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**Motion for a Partial Finding
of Not Guilty**

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The Manual for Courts-Martial, United States, 1969 (Rev. ed.), paragraph 71a,¹ provides in part:

On the motion of the defense, a finding of not guilty may be entered as to any offense charged after the evidence on either side is closed if the evidence is insufficient to sustain a conviction of that offense. . .

If there is any evidence which, together with all inferences which can properly be drawn therefrom and all applicable presumptions, could reasonably tend to establish every essential element of an offense charged or included in any specification to which the motion is directed, the motion will not be granted. (Emphasis added.)

What is the exact meaning of this provision of the Manual? The use of this provision in practice, military case law, and comparable federal criminal practice, will be discussed herein.

Military Practice and Case Law.

A typical situation which would involve application of this provision of the Manual might

be a charge of aggravated assault (*i.e.*, assault intentionally inflicting grievous bodily harm). The defense counsel would move for a partial finding of not guilty, as to the aggravated assault and remain ready to defend as to simple assault. How should the military judge handle this situation?

Applying a literal reading of MCM, 1969, paragraph 71a, the judge should deny the motion. Examining paragraph 71a closely, it states that a motion for a finding of not guilty should be defined if there is sufficient evidence that reasonably tends to establish every element of an offense charged or *any lesser included offense*. Additionally, the judge may advise defense counsel of the possibility of instructing the court that as a matter of law there is insufficient evidence to support a finding of guilty of aggravated assault. Alternatively, the judge has discretion to allow the trial counsel to reopen the case for the government and produce any further evidence.² Do these alternatives to granting the partial motion for a finding of not guilty adequately protect the rights of the defendant, as a matter of law, policy, or fair play?

Defense counsel may argue that the judge should exercise discretion and grant the partial finding of not guilty so as to avoid a useless

ritual of instructing the court on the elements of aggravated assault, and then subsequently instructing them that there is insufficient evidence as a matter of law to support a finding of guilty on that charge. The success of this argument would be dependent on the particular judge's philosophy regarding the respective functions of the judge vis-à-vis the jury. It may also be asserted that the failure of the judge to grant a partial finding of not guilty, places an unreasonable burden on the defense to defend against a more serious offense when there is insufficient evidence as a matter of law to convict.³

There is a dearth of authority in the military cases on this issue. The first case to discuss the issue was *United States v. Smith*.⁴ This case was an appeal to the Army Court of Military Review of a court-martial conviction for three specifications of conspiracy, one specification of unauthorized absence, one specification of aggravated assault, and one specification of assault and battery. Only the latter specification is relevant to the discussion here. This latter specification originally alleged an aggravated assault. However, the defense, at trial, made a motion for a finding of not guilty as to the specification. It was granted as to the aggravated assault, but denied as to the lesser in-

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cluded offense of assault and battery. The military judge stated:

The motion as to Specification 3 of the Additional Charge is granted insofar as it alleges an aggravated assault, but it is denied insofar as it relates to assault and battery. There has been no evidence by the Government to show that fists were used in such a manner as to produce grievous bodily harm. Accordingly, the specification should be amended, therefore, to eliminate the words "a means likely to produce grievous bodily harm, to wit." Gentlemen, strike that in your specifications, leave it as an assault consummated by a battery.⁵

Apparently, the Army Court of Military Review was somewhat displeased with this procedure. The court stated:

This partial grant is contrary to the provisions of paragraph 71a, Manual for Courts-Martial, United States, 1969 (Rev. ed.). A motion for a finding of not guilty should not be granted when there is evidence of record which could reasonably tend to establish every essential element of an offense *included* in the specification to which the motion is directed. We reiterate the caveat expressed in *United States v. Perkins*, 40 C.M.R. 885 (A.C.M.R. 1969), that, although no prejudice resulted to appellant, we do not condone the irregular procedures employed by the military judge and we do not consider it as enhancing the effective administration of military justice.⁶

The Court of Review has obviously adopted a strict and literal reading of MCM, 1969, paragraph 71a. However, the precedential value of the above quotation is somewhat questionable. The propriety of the grant of the partial motion for a finding of not guilty was not at issue on appeal. The only issues on appeal were the sufficiency of the evidence relating to the conviction on the conspiracy charge and a speedy trial issue. The only discussion of the partial motion was in footnote two of the reported decision. Apparently, the Court of Review saw some-

thing they did not like and felt compelled to comment gratuitously about it.

The only other reported military case discussing the partial motion was *United States v. Spearman*.⁷ The case was an appeal to the Court of Military Appeals of a conviction of aggravated assault (*i.e.*, assault by intentionally inflicting grievous bodily harm). The accused argued on appeal that the military judge erred in ruling that he could not grant a motion for finding of not guilty at the conclusion of the prosecution's cases notwithstanding his opinion that the element of grievous bodily harm was not established.⁸

The Court of Military Appeals did not squarely face the issue and state whether a motion for a partial finding of not guilty was proper in military practice.

But whether his failure to treat the motion for a finding of not guilty or a motion for appropriate relief or appropriately instruct the court not to consider the offense charged was erroneous need not detain us. Assuming his ruling to have been incorrect, the question of prejudice to the accused depends on our assessment of whether this was in fact evidence on the record that supports the findings if guilty of the major offense.⁹

The court briefly compared MCM, 1969, paragraph 71a, to Rule 29(a) of the Federal Rules of Criminal Procedures (*i.e.*, motion for a judgment of acquittal). It stated that both motions require the military judge or the United States District Court Judge to consider whether the evidence would be sufficient to sustain a conviction of a lesser offense.¹⁰ The wording of MCM, 1969, paragraph 71a, was then compared to that of Rule 29(a), Federal Rules of Criminal Procedure. It was pointed out that the reference to denial of the motion in the military when there is evidence which could establish a lesser included offense is not found in the federal rules. The court again stated that the result in the instant case did not depend on whether the military judge had authority to enter an acquittal to a greater offense and submit lesser included offenses to the jury.¹¹ In

the court's view, alternative methods do exist for the defense when the government fails to introduce sufficient evidence on the greater offense, but produces a prima facie case as to a lesser included offense. For example, one suggestion was for the defense to make a motion for appropriate relief to have the military judge instruct the jury that no evidence has been introduced as to the offense charged, and that their consideration of the issue of guilt is limited to the lesser included offense.¹² Again, it is submitted that this is a useless ritual and a waste of judicial time.

Federal Court Practice—Case Law.

Rule 29(a) of the Federal Rules of Criminal Procedure states:

... The court on motion of a defendant or of its own motion shall order the entry of judgment of acquittal of one or more offenses charged in the indictment or information after the evidence on either side is closed if the evidence is insufficient to sustain a conviction of such offense or offenses. . .

There are numerous federal cases discussing this rule of criminal procedure. Most of them deal with issues such as the standard to be used by the judge, appellate review of the denial of the motion, and timeliness of the motion. There is not one case directly on point which states whether it is permissible for the trial judge to grant a partial motion for a judgment of acquittal.¹³ However, by examining a few related cases, the policy and purpose behind such a motion might be discerned and applied to the present discussion.¹⁴

One of the oft-cited cases in this area of criminal procedure is *Cephus v. United States*.¹⁵ This case involved the prosecution of two people for unauthorized use of an automobile in violation of the District of Columbia Code. In a joint trial the court denied appellant's motion for acquittal at the close of the government's case. Thereafter, the co-defendant, testifying on his own behalf, related facts tending to prove his own innocence and appellant's guilt. The jury found both defend-

ants guilty. On appeal it was argued that the government's case-in-chief was insufficient to sustain a verdict of guilty, and that therefore, the trial court erred in denying his motion for judgment of acquittal. The Court of Appeals agreed with this contention and reversed the conviction.

The court discussed the purpose of Rule 29(a):

One of the greatest safeguards for the individual under our system of criminal justice is the requirement that the prosecution must establish a prima facie case by its own evidence before the defendant may be put to his defense. "Ours is the accusatorial as opposed to the inquisitorial system. . . Under our system society carries the burden of proving its charge against the accused not out of his own mouth. It must establish its case, not by interrogation of the accused even under judicial safeguards, but by evidence independently secured through skillful investigation." *Watts v. Indiana*, 338 U.S. 49, 54 (1949).

Accordingly, Rule 29(a) provides that a motion for a judgment of acquittal be granted after the close of the government's case if the evidence is insufficient to sustain conviction. The court discussed the effect of considering evidence presented by the defendant which fills the gaps in the government's case. If the appellate court must limit its review to the evidence at the close of the government's case, it might be required to direct an acquittal even though there is sufficient evidence at the close of the entire case to sustain a conviction. An application of the waiver doctrine would prevent an acquittal in such a case.

Decisions discussing the waiver doctrine justify it on the basis that the defendant's gap-filling evidence renders harmless any error in the denial of the original motion.¹⁶ If courts follow the waiver doctrine there is a danger that prosecutions may be pursued with inadequate evidence in the hope that defendants will supply missing evidence. The waiver doctrine seriously limits the right of the accused to

have the prosecution prove a prima facie case before he is put to his defense.¹⁷

A New Jersey court rejected the waiver rule in criminal cases on the ground that application of the traditional civil rule to criminal trials "may cause testimony that the defendant ought not to have been required to give at all may be laid hold of to sustain the wrongful ruling by which he was required to give it. This comes perilously near compelling the accused to convict himself."¹⁸

Nonetheless, most jurisdictions, including federal circuits, have consistently followed the waiver rule.¹⁹ These cases suggest that the rule was imported from civil into criminal cases without a consideration of the essential difference between the civil system and the accusatorial system of criminal justice.²⁰ However, Rule 29(a) makes it clear that the first ruling is not discretionary in criminal cases. A judgment of acquittal is mandatory if the government's case is insufficient. The trial judge has no discretion to reserve his ruling in the expectation that the defendant will testify.²¹

It is submitted that the same policy consideration as discussed above relative to the waiver doctrine should be applied to a partial finding of not guilty, under MCM, 1969, paragraph 71a. It can be asserted that the defendant is in the same position when the government fails to introduce sufficient evidence on a major charge, but enough to sustain conviction on a lesser included offense, as a defendant who makes the same motion relative to the whole offense (and no lesser included offenses). It is not fair to put the defendant to his defense when the government has not even proven a prima facie case on the greater charge. The defendant here is perilously close to incriminating himself on the greater charge, for which the sentence may be more than a lesser included offense.²²

A line of federal cases state that it is the duty of the trial judge to grant a motion for a judgment of acquittal when the evidence, viewed in a light most favorable to the government, is insufficient to sustain a conviction.²³ It is submitted that such a duty exists when the motion

is directed to the whole charge or only a greater offense, where there remains a lesser included offense.

This procedure has received approval in *Howard v. United States*.²⁴ In this case, the defendant was indicted for murder in the first degree and found guilty of manslaughter. A year after his conviction he moved to vacate sentence under 28 U.S.C. § 2255 (1970 & Supp. V 1975). The Court of Appeals held that the trial judge was correct when he held that the proof failed to show first degree murder and instructed only on murder in the second degree and manslaughter. Then, in effect, the trial judge granted a partial motion of acquittal on a first degree murder and charged the jury on two lesser included offenses.²⁵

Conclusion.

Perhaps *Howard v. United States*²⁶ can be the model for the military courts to follow. It is strongly submitted that when there is no evidence to support a charge, and even if there is evidence to support a lesser included offense, the military judge should grant a partial finding of not guilty and instruct on lesser included offenses. This procedure has been followed in the federal courts²⁷, it conserves judicial time²⁸, and is basically good criminal practice.

A strict constructionist might point to the Manual and say that the military judge is not required to grant such a motion if there is evidence of a lesser included offense. A strict constructionist might also say that the wording of Rule 29(a) of the Federal Rules of Criminal Procedure is different from that of MCM, 1969, paragraph 71a.²⁹

However, while there may be differences one must look at the reasons therefore, if any. The fact that the wording of MCM, 1969, paragraph 71a, states that a motion for a finding of not guilty will not be granted when there is evidence of lesser included offenses, might well mean that it should not be granted as to these lesser included offenses. Obviously, if there is no evidence to support a greater offense, it should not go to the jury.

MCM, 1969, paragraph 71a, seems to be ambiguous. The MCM, 1951, had a similar provision. It read: "The Court on motion of the defense may enter a finding of not guilty as to one or more offenses charged after the evidence on either side is closed if the evidence is insufficient to sustain a conviction of such offense or offenses."³⁰

There is no mention of lesser included offenses. Without reference to such lesser included offenses, MCM, 1969, paragraph 71a, reads somewhat like Rule 29(a) of the Federal Rules of Criminal Procedure. Why was the phrase "or included in any specification" placed in the MCM, 1969? An examination of Department of the Army Pamphlet No. 27-2, Analysis of Contents, Manual for Courts-Martial, United States, 1969, Revised Edition, at page 12-5 fails to reveal the reason. There is a discussion of the reason for deleting the word "substantial" but the discussion goes no further. Thus, we are left in the dark as to why such a change was made.

There being no military case law directly on point, and since ample precedence exists in the federal practice for a partial motion for a judgment of acquittal, it is suggested that this procedure be adopted in military courts.

Notes

¹ Hereinafter cited as MCM, 1969.

² MCM, 1969, para. 71a.

³ A judgment of acquittal is mandatory under Rule 29(a) of the Federal Rules of Criminal Procedure if the government's case is insufficient. *Cephus v. United States*, 324 F.2d 893 (D.C. Cir., 1963). See also, *United States v. Blattell*, 340 F. Supp. 1140 (N.D. Iowa 1972).

⁴ 43 C.M.R. 487 (A.C.M.R. 1970), 20 C.M.A. 589, 44 C.M.R. 19 (1971).

⁵ *Id.* at 488.

⁶ *Id.* at 488.

⁷ 23 C.M.A. 31, 48 C.M.R. 405 (1974).

⁸ *Id.* at 32, 48 C.M.R. at 406.

⁹ *Id.* at 33, 48 C.M.R. at 407.

¹⁰ *Id.* at 32, 48 C.M.R. at 406.

¹¹ *Id.* at 33, 48 C.M.R. at 407.

¹² *Id.*

¹³ It has been said that a conviction or acquittal for an offense alleged in an indictment is a bar to prosecution for a lesser offense upon which a defendant could have been convicted as a part of incident of the crime charged. *Ex Parte Nielson*, 131 U.S. 176 (1889). This should not be interpreted to mean that because a partial judgment of acquittal is entered as to part of a charge, one cannot be convicted of a lesser included offense. See, *Howard v. United States* 237 F.2d 216 (D.C. Cir. 1956); *United States v. Kelly*, 119 F. Supp. 217 (D.D.C. 1954).

¹⁴ Perhaps the reason that there is no case law directly on point is due to the nature of the issue. Denial of such a motion at the close of the government's case is not immediately reviewable. The denial is neither a final decision appealable under 28 U.S.C. § 1291 (1970 & Supp. V 1975); nor of course, an interlocutory decision appealable under 28 U.S.C. § 1292 (1970 & Supp. V 1975). Of course, the government may not appeal a judgment of acquittal. See, *United States v. Smith*, 331 U.S. 469 (1967); *United States v. Wiley*, 517 F.2d 1212 (D.C. Cir. 1975).

¹⁵ 324 F.2d. 893 (D.C. Cir. 1963).

¹⁶ See, *United States v. Goldstein*, 168 F.2d 666, 669-670 (2d Cir. 1948); *Leyer v. United States*, 183 F. 102, 104 (2d Cir. 1910).

¹⁷ See generally, *The Motion for Acquittal: A Neglected Safeguard*, 70 YALE L.J. 1151 (1961).

¹⁸ *State v. Bacheller*, 89 N.J.L. 433, 436, 98A, 829, 830 (N.J. Sup. Ct. 1916).

¹⁹ 9 WIGMORE, EVIDENCE 313 n.1 (3d. ed. 1940).

²⁰ 9 WIGMORE, EVIDENCE § 2496 (3d. ed. 1940).

²¹ See, *Jackson v. United States*, 250 F.2d 897 (5th Cir. 1958). Compare *United States v. Guerrero*, 517 F. 2d 528 (10th Cir. 1975).

²² For example, conviction of a violation of the UNIFORM CODE OF MILITARY JUSTICE art. 121, larceny of \$50, would carry a maximum punishment of a bad-conduct discharge and six months confinement at hard labor, while a conviction of the lesser included offense of wrongful appropriation of \$50 would carry a maximum punishment of three months confinement at hard labor.

²³ *United States v. Moler*, 460 F. 2d 1273 (9th Cir. 1972); *United States v. Kelton*, 446 F.2d 669 (8th Cir. 1971); *Cephus v. United States*, 324 F.2d 893 (D.C. Cir. 1963); *Woodring v. United States*, 311 F.2d 417 (8th Cir. 1963).

²⁴ 237 F.2d 216 (D.C. Cir. 1956); See also, *United States v. Kelley*, 119 F. Supp. 21 (D.D.C. 1954).

²⁵ The defendant contended that the court erred in not directing a complete verdict of acquittal instead of instructing on lesser included offenses. The Court of Appeals found this contention totally without merit.

²⁶ 237 F. 2d 216 (D.C. Cir. 1956).

²⁷ *Id.*

²⁸ It has been stated that practical consideration of judicial administration dictate that any question of doubt in regard to the sufficiency of evidence to sustain a conviction may be resolved in favor of a defendant. Thus, conservation of judicial time is a factor which may properly be considered. *United States v. Johnson*, 334 F. Supp. 982 (W.D. Mo. 1971).

²⁹ Specifically, Rule 29(a) of the Federal Rules of Criminal Procedure states that the court *shall* grant the motion for judgment of acquittal if there is insufficient evidence. MCM, 1969, para. 71a, states that the military judge *may* grant a motion for a finding of not guilty if there is insufficient evidence.

³⁰ MANUAL FOR COURTS-MARTIAL, UNITED STATES, 1951, para. 71a.

Judiciary Notes

U.S. Army Judiciary

ADMINISTRATIVE NOTES

1. Supervisory Review—Article 65(c). A number of cases, brought to the attention of TJAG pursuant to applications for relief under U.C.M.J., article 69, have contained patent errors and irregularities which should have been noted and corrected at the time of supervisory review under U.C.M.J., article 65(c). For example, the forfeiture portion of the sentence was legally excessive; the court-martial convening order was missing from the record; the courtmartial promulgating order did not reflect the judged sentence; the summarized record did not show that the court members were sworn. The frequency of uncorrected errors leads to the conclusion that the importance of article 65(c) review is not appreciated by many judge advocates. As a general rule, it is the final review within the meaning of article 76. To protect fully the interests of both the accused and the government, the adjudge advocate performing the supervisory review must assure that the proceedings, findings, and sentence, as approved by the convening authority, are correct in law and fact in all respects before the record is declared to be legally sufficient. The Court-Martial Data Sheet (DD Form 494) is a useful guide. It must be perused carefully and each item thereof checked against the record of trial and its allied papers.

2. Rehearings—New Reviews/Actions. In special court-martial cases, returned for rehearing or new review and action, if a rehearing is deemed impracticable or the approved

sentence does not include a bad-conduct discharge, a review of the record under U.C.M.J., article 65(c), must be accomplished. Four copies of the new special court-martial orders should be stamped to show that review has been completed pursuant to article 65(c) and returned with the record of trial (original) to the U.S. Army Judiciary.

3. Convening Authority's Actions. In the examination of cases under U.C.M.J., article 69, the following errors in the actions have been noted.

a. The deferment of the service of confinement by the Commander, U.S. Army Retraining Brigade, was not reflected in the ACTION.

b. If the sentence has been properly ordered into execution, the ACTION should *not* state that "The forfeitures shall apply to pay becoming due on or after the date of this action."

c. When a place of confinement is designated, the language prescribed by AR 190-47, paragraph 4-2d, should be used. Thus, when a sentence to confinement is approved and ordered into execution, the following words should be used: "The accused will be confined in (name of facility) and the confinement will be served therein or elsewhere as competent authority may direct."

4. Signed Receipts. All article 66 and article 69 records of trial forwarded to the U.S. Army

Judiciary should include the accused's signed receipt for his or her copy of the record. If the receipt is not available when the record is forwarded, it should be sent by separate cover to Office of the Clerk of Court (JALS-CCR), U.S. Army Judiciary, Falls Church, VA 22041.

5. Civilian Witnesses. Commands that submit

written requests to the Office of the Clerk of Court, Special Actions Branch (JALS-CCS), for civilian witnesses to appear at court-martial trials overseas, should include the witness' full name, address and telephone number, if available. If it is believed that the witness' telephone number is listed in some other name, the alternate name should also be provided.

QUARTERLY COURT-MARTIAL RATES PER 1000 AVERAGE STRENGTH JANUARY-MARCH 1978

	General CM	Special CM		Summary CM
		BCD	NON-BCD	
ARMY-WIDE	.35	.28	1.32	.56
CONUS Army commands	.27	.27	1.34	.69
OVERSEAS Army commands	.49	.30	1.30	.36
USAREUR and Seventh Army commands	.59	.25	1.33	.24
Eighth US Army	.23	.86	1.63	.34
US Army Japan	—	—	.03	—
Units in Hawaii	.22	.11	1.29	.97
Units in Thailand	—	—	—	—
Units in Alaska	.20	.10	1.13	.61
Units in Panama/Canal Zone	.56	—	.28	2.40

NON-JUDICIAL PUNISHMENT QUARTERLY COURT-MARTIAL RATES PER 1000 AVERAGE STRENGTH JANUARY-MARCH 1978

	Quarterly Rates
ARMY-WIDE	51.87
CONUS Army commands	53.47
OVERSEAS Army commands	49.18
USAREUR and Seventh Army commands	47.33
Eighth US Army	71.58
US Army Japan	14.01
Units in Hawaii	55.57
Units in Thailand	—
Units in Alaska	37.60
Units in Panama/Canal Zone	39.40

Professional Responsibility

Criminal Law Division, OTJAG

The Judge Advocate General's Professional Responsibility Advisory Committee recently considered whether a trial counsel's consultation with a soldier who was in the process of deciding whether to accept proceedings under article 15 or demand trial by court-martial was in violation of Disciplinary Rule 7-104(A) (2) of the American Bar Association Code of Professional Responsibility, which provides:

During the course of his representation of a client a lawyer shall not:

... (2) Give advice to a person who is not represented by a lawyer, other than the advice to secure counsel, if the interests of such person are or have a reasonable possibility of being in conflict with the interests of his client. (Emphasis added.)

The Committee determined that the uncontroverted facts gleaned from the submitted file showed that during the period of time in question Captain A was performing duties as a trial counsel. He was called by the company commander of Specialist Five B, to whom the commander had offered nonjudicial punishment. The commander did not want to court-martial Specialist B for what he considered to be minor offenses best disposed of under article 15. Having previously seen soldiers "who have taken themselves foolishly into court," Captain A agreed to the commander's request that he talk to Specialist B. At the outset of the discussion, Captain A informed Specialist B that he was the area prosecutor and not a defense counsel. He told him about the seriousness and implications of trial by court-martial, the ef-

fects of a court-martial on a service member's record and comparative severities of nonjudicial punishments and those imposed by courts-martial. Upon return to his unit, Specialist *B* would not accept nonjudicial punishment and demanded trial by court-martial. Later he objected to a trial by summary court-martial. Eventually charges and specifications against him, alleging failure to go to his appointed place of duty and failure to obey a lawful order, were referred to trial by special court-martial. Captain *A* signed the first indorsement to the charges as trial counsel. After the individually requested defense counsel, Captain *C*, indicated he would pursue with the convening authority, and the military judge if need be, the matter of Captain *A*'s discussion with Specialist *B*, the charges were dismissed. With the exception of disagreement as to whether Captain *A* asked Specialist *B* about the offenses in question and advised him to take Article 15, there is no dispute as to what transpired.

The Committee concluded that unlike the majority of prosecutors in civilian jurisdictions, depending upon the circumstances of assignment, military trial counsel may perform legal tasks other than the prosecution of criminal cases. To guard against disqualification to prosecute, trial counsel customarily do not provide article 15 counseling. The Committee determined that in the instant case it was clear from the evidence considered, including the statement offered by Captain *A*, that his intent was to persuade Specialist *B* to accept nonjudicial punishment. Given the interest conflict presented by his adverse role, Captain *A*'s motive is irrelevant. The Committee found that at the outset Captain *A* recognized the possibility of his duties as trial counsel being in conflict with Specialist *B*'s interests, yet provided advice, albeit limited. By so doing, he violated Disciplinary Rule 7-104(A) (2). By not recusing himself when charges against Specialist *B* were referred to trial, he exacerbated the previously projected conflict.

Where to write for. . . .

Reproduced herein are four pamphlets published by the Division of Vital Statistics, National Center for Health Statistics, Health Resources Administration, Department of Health, Education and Welfare. These pamphlets gather together information on location, cost, and how to retrieve copies of birth, death, marriage and divorce records in the United States and outlying areas as well as similar information for birth and death records of United States citizens who were born or who died abroad, and for birth certification for alien children adopted by United States citizens. I am certain this information will prove essential for practicing Legal Assistance Officers.—Major F. John Wagner, Jr., Developments, Doctrine and Literature Department, TJAGSA.

Where to write for DIVORCE RECORDS

An official record of every divorce or annulment of marriage should be available in the place where the event took place. These records may be filed permanently either in a State vital statistics office or in a city, county, or other local office.

A copy may be obtained by writing to the appropriate office listed below. Fees listed are subject to change.

When writing for a copy, it is suggested that a money order or certified check be enclosed since the office cannot refund cash

lost in transit. The following information will also be needed (type or print all names and addresses):

1. Full names of husband and wife (including nicknames).
2. Present residence address.
3. Former addresses (as in court records).
4. Ages at time of divorce (or dates of birth).
5. Date and place of divorce or annulment of marriage.
6. Type of final decree.
7. Purpose for which copy is needed.
8. Relationship to persons whose record is on file.

<i>Place of divorce</i>	<i>Cost of copy</i>	<i>Address and remarks</i>
Alabama	\$3.00	Records since January 1950: Bureau of Vital Statistics, State Department of Public Health, Montgomery, Alabama 36104. Fee includes search and report, or copy of record if found.
	\$1.50	Clerk or Registrar of Court of Equity in county where divorce was granted.
Alaska	\$3.00	Records since 1950: Bureau of Vital Statistics, Department of Health and Welfare, Pouch "H", Juneau, Alaska 99801.
	Varies	Clerk of the Superior Court in judicial district where divorce was granted: Juneau and Ketchikan (First District), Nome (Second District), Anchorage (Third District), Fairbanks (Fourth District), Alaska.
American Samoa	\$0.50	Registrar of Vital Statistics, Pago Pago, American Samoa 96799.
Arizona	Varies	Clerk of Superior Court in county where divorce was granted.
Arkansas	\$2.00	Coupons since 1923: Division of Vital Records, Arkansas Department of Health, 4815 W. Markham, Little Rock, Arkansas 72201.
	Varies	Full certified copy may be obtained from circuit or chancery clerk in county where divorce was granted.
California	\$2.00	For final decree entered since January 1, 1962 or initial complaint filed since January 1, 1966: Vital Statistics Section, Department of Health, 410 N Street, Sacramento, California 95814.
	Varies	Clerk of Superior Court in county where divorce was granted.
Canal Zone	\$2.00	License section, Box "L", Balboa Heights, Canal Zone.
		Cristobal Division (Atlantic Area), Clerk, U.S. District Court, Box 1175, Cristobal, Canal Zone.
Colorado	•	Statewide index of records for all years except 1940-1967: Records and Statistics Section, Colorado Department of Health, 4210 East 11th Avenue, Denver, Colorado 80220. Inquiries will be forwarded to appropriate county office.
	Varies	Clerk of District Court in county where divorce was granted.

*Certified copies not available.

<i>Place of divorce</i>	<i>Cost of copy</i>	<i>Address and remarks</i>
Connecticut	•	Index of records since June 1, 1947: Public Health Statistics Section, State Department of Health, 79 Elm Street, Hartford, Connecticut 06115. Inquiries will be forwarded to appropriate office.
	\$3.00	Clerk of Superior Court in county where divorce was granted.
Delaware	•	Records since March 1932: Bureau of Vital Statistics, Division of Public Health, Department of Health and Social Services, State Health Building, Dover, Delaware 19901. Inquiries will be forwarded to appropriate office. Search made and essential facts of divorce verified (fee \$2.50).
	\$2.00	Prothonotary in county where divorce was granted.
District of Columbia	Varies	Records since September 16, 1956: Clerk, Superior Court for the District of Columbia, Family Division, 451 Indiana Ave., Washington, D.C. 20001.
		Records prior to September 16, 1956: Clerk, U.S. District Court for the District of Columbia, Washington, D.C. 20001.
Florida	\$2.00	Records since June 6, 1927: Bureau of Vital Statistics, State Division of Health, P.O. Box 210, Jacksonville, Florida 32201. If year is unknown, the fee is \$2.00 for the first year searched and \$1.00 for each additional year to a maximum of \$25.00. Fee includes a copy of the record found.
	Varies	Clerk of Circuit Court in county where divorce was granted.
Georgia	•	Centralized State records since June 9, 1952: Vital Records Unit, State Department of Human Resources, Room 217-H, 47 Trinity Avenue, S.W., Atlanta, Georgia 30334. Inquiries will be forwarded to appropriate office.
	Varies	Clerk of Superior Court in county where divorce was granted.
Guam	Varies	Clerk, Superior Court of Guam, Agana, Guam, M.I., 96910
Hawaii	\$2.00	Records since July 1, 1951: Research and Statistics Office, State Department of Health, P.O. Box 3378, Honolulu, Hawaii 96801.
	Varies	Circuit Court in county where divorce was granted.
Idaho	\$2.00	Records since January 1947: Bureau of Vital Statistics, State Department of Health and Welfare, Boise Idaho 83720.
	Varies	County Recorder in county where divorce was granted.
Illinois	•	Records since January 1, 1962: Office of Vital Records, State Department of Public Health, Springfield, Illinois 62761. Some items may be verified (fee \$2.00).
	Varies	Clerk of Circuit Court in county where divorce was granted.
Indiana	Varies	County Clerk in county where divorce was granted.
Iowa	•	Brief statistical record only since 1906: Division of Records and Statistics, State Department of Health, Des Moines, Iowa 50319. Inquiries will be forwarded to appropriate office.
	Varies	County Clerk in county where divorce was granted.
Kansas	\$2.00	Records since July 1951: Bureau of Registration and Health Statistics, 6700 S. Topeka Ave., Topeka, Kansas 66620
	Varies	Clerk of District Court where divorce was granted.

*Certified copies not available.

<i>Place of divorce</i>	<i>Cost of copy</i>	<i>Address and remarks</i>
Kentucky	\$2.00	Records since July 1, 1958: Office of Vital Statistics, State Department of Health, 275 East Main Street, Frankfort, Kentucky 40601.
	Varies	Clerk of Circuit Court in county where divorce was granted.
Louisiana	•	Records since 1946: Division of Public Health Statistics, State Board of Health, P.O. Box 60630, New Orleans, Louisiana 70160. Inquiries will be forwarded to appropriate office. All items may be verified.
	Varies	Clerk of Court in parish where divorce was granted.
Maine	\$2.00	Records since January 1, 1892: Office of Vital Statistics, State Department of Health and Welfare, State House, Augusta, Maine 04333.
	\$1.00	Clerk of District Court in the judicial division where divorce was granted.
Maryland	•	Records since January 1961: Division of Vital Records, State Department of Health and Mental Hygiene, State Office Building, 201 West Preston Street, P.O. Box 13146, Baltimore, Maryland 21203. Inquiries will be forwarded to appropriate office. Some items may be verified.
	\$2.00	Clerk of the Circuit Court in county where divorce was granted.
Massachusetts	\$1.50	Index only from 1952: State Registrar of Vital Statistics, Room 103, McCormack Building, 1 Ashburton Place, Boston, Massachusetts 02108. Inquirer will be directed where to forward request.
	\$1.50	Registrar of Probate Court in county where divorce was granted.
Michigan	\$2.00	Records since 1897: Office of Vital and Health Statistics, Michigan Department of Health, 3500 North Logan Street, Lansing, Michigan 48914.
	Varies	County Clerk in county where divorce was granted.
Minnesota	•	Index since January 1, 1970: Minnesota Department of Health, Section of Vital Statistics, 717 Delaware Street, S.E., Minneapolis, Minnesota 55440
	Varies	Clerk of District Court in county where divorce was granted.
Mississippi	•	Records since January 1, 1926: Division of Public Health Statistics, State Board of Health, P.O. Box 1700, Jackson, Mississippi 39205. Inquiries will be forwarded to appropriate office.
	\$2.00	Chancery Clerk in county where divorce was granted.
Missouri	•	Indexes since July 1948: Division of Health, Bureau of Vital Records, Jefferson City, Missouri 65101. Inquiries will be referred to appropriate Circuit Clerk of the county in which the decree was granted.
	Varies	Clerk of Circuit Court in county where divorce was granted.
Montana	•	Records since July 1943: Division of Records and Statistics, State Department of Health, Helena, Montana 59601. Inquiries will be forwarded to appropriate office. Some items may be verified.
	Varies	Clerk of District Court in county where divorce was granted.

*Certified copies not available.

<i>Place of divorce</i>	<i>Cost of copy</i>	<i>Address and remarks</i>
Nebraska	\$3.00	Records since January 1909: Bureau of Vital Statistics, State Department of Health, Lincoln Building, 1003 'O' Street, Lincoln, Nebraska 68508.
	Varies	Clerk of District Court where divorce was granted.
Nevada .....	.	Indexed since January 1, 1968. Department of Human Resources, Division of Health - Vital Statistics, Capitol Complex, Office of Vital Records, Carson City, Nevada 89710. Inquiries will be forwarded to appropriate office.
	Varies	County Clerk in county where divorce was granted.
New Hampshire	\$2.00	Records since 1880: Department of Health and Welfare, Division of Public Health, Bureau of Vital Statistics, 61 South Spring Street, Concord, New Hampshire 03301. Fee includes search and one copy.
	Varies	Clerk of the Superior Court which issued the decree.
New Jersey	\$2.00	Superior Court, Chancery Division, State House Annex, Room 320 Trenton, New Jersey 08625.
New Mexico	Varies	Clerk of District Court in county where divorce was granted.
New York	\$2.00	Records since January 1, 1963: Bureau of Vital Records, State Department of Health, Empire State Plaza, Tower Building, Albany, New York 12237.
	Varies	County Clerk in county where divorced was granted.
North Carolina	\$2.00	Department of Human Resources, Division of Health Services, Vital Records Branch, P.O. Box 2091, Raleigh, North Carolina 27602.
	Varies	Clerk of Superior Court where divorce was granted.
North Dakota .....	.	Index of records since July 1, 1949: Division of Vital Records, State Department of Health, Bismarck, North Dakota 58505. Inquiries will be forwarded to appropriate office. Some items may be verified.
	Varies	Clerk of District Court in county where divorce was granted.
Ohio .....	.	Records since 1948: Division of Vital Statistics, Ohio Department of Health, G-20 Ohio Departments Building, 65 S. Front Street, Columbus, Ohio 43215. Inquiries will be forwarded to appropriate office. All items may be verified.
	Varies	Clerk of Court of Common Pleas in county where divorce was granted.
Oklahoma	Varies	Court Clerk in county where divorce was granted.
Oregon	\$3.00	Records since May 1925: Vital Statistics Section, State Health Division P.O. Box 231, Portland, Oregon 97207. Fee includes search and first copy. Additional copies of the same record ordered at the same time are \$2.00 each.
	Varies	County Clerk in county where divorce was granted.
Pennsylvania .....	.	Records since January 1946: Division of Vital Statistics, State Department of Health, Central Building, 101 South Mercer Street, P.O. Box 1528, New Castle, Pennsylvania 16103. Inquiries will be forwarded to appropriate office.
	Varies	Prothonotary, Court House, in county seat where divorce was granted.

*Certified copies not available.

<i>Place of divorce</i>	<i>Cost of copy</i>	<i>Address and remarks</i>
Puerto Rico	\$0.60	Superior Court where divorce was granted.
Rhode Island	•	Records since January 1962: Division of Vital Statistics, Rhode Island Department of Health, Room 101, Davis Street, Providence, Rhode Island 02908. Inquiries will be forwarded to appropriate office.
	\$1.00	Clerk of Family Court in county where divorce was granted.
South Carolina	\$2.00	Records since July 1, 1962: Division of Vital Records, Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201.
	Varies	Records since April 1949: Clerk of county where petition filed.
South Dakota	\$2.00	Records since July 1, 1905: Division of Public Health Statistics, State Department of Health, Pierre, South Dakota 57501.
	Varies	Clerk of Court in county where divorce was granted.
Tennessee	\$2.00	Records since July 1945: Division of Vital Statistics, State Department of Public Health, Cordell Hull Building, Nashville, Tennessee 37219.
	Varies	Clerk of Court where divorce was granted.
Texas	Varies	Clerk of District Court in county where divorce was granted.
Trust Territory of the Pacific Islands	Varies	Clerk of Court in District where divorce was granted.
Utah	Varies	County Clerk in county where decree was granted.
Vermont	\$1.50	Records since January 1860: Secretary of State, Vital Records Department, State House, Montpelier, Vermont. 05602.
	\$3.00	Clerk of County Court where divorce was granted.
Virginia	\$2.00	Records since January 1918: Bureau of Vital Records and Health Statistics, State Department of Health, James Madison Building, P.O. Box 1000, Richmond, Virginia 23208.
	Varies	Clerk of Court in county or city where divorce was granted.
Virgin Islands (U.S.)		
St. Croix	\$2.40	Deputy Clerk of District Court, Christiansted, St. Croix, Virgin Islands 00820.
St. Thomas and St. John	\$2.40	Clerk of District Court, Charlotte Amalie, St. Thomas, Virgin Islands 00802
Washington	\$3.00	Records since January 1, 1968: Bureau of Vital Statistics, Health Services Division, Department of Social and Health Services, P.O. Box 709, Olympia, Washington 98504.
	Varies	County Clerk in county where divorce was granted.
West Virginia	Varies	Clerk of Circuit Court, Chancery Side, in county where divorce was granted.
Wisconsin	\$4.00	Records since October 1, 1907: Bureau of Health Statistics, Wisconsin Division of Health, P.O. Box 309, Madison Wisconsin 53701.
Wyoming	\$2.00	Records since May 1941: Vital Records Services, Division of Health and Medical Services, State Office Building West, Cheyenne, Wyoming 82002.
	Varies	Clerk of District Court in county where divorce was granted.

*Certified copies not available.

Where to write for

MARRIAGE RECORDS

An official record of every marriage should be available in the place where the event occurred. These records may be filed permanently either in a State vital statistics office or in a city, county, or other local office.

A copy may be obtained by writing to the appropriate office listed below. Fees listed are subject to change.

When writing for a copy, it is suggested that a money order or certified check be enclosed since the office cannot refund cash

lost in transit. The following information will also be needed (type or print all names and addresses):

1. Full names of bride and groom (including nicknames).
2. Residence addresses at time of marriage.
3. Ages at time of marriage (or dates of birth).
4. Date and place of marriage.
5. Purpose for which copy is needed.
6. Relationship to person whose record is on file.

Place of marriage	Cost of copy	Address and remarks
Alabama	\$2.00	Records since August 1936: Bureau of Vital Statistics, State Department of Public Health, Montgomery, Alabama 36104. Fee includes search and report, or copy of record if found.
	\$1.00	Probate Judge in county where license was issued.
Alaska	\$3.00	Records since 1913: Bureau of Vital Statistics, Department of Health and Welfare, Pouch H, Juneau, Alaska 99801.
American Samoa	\$1.00	Registrar of Vital Statistics, Pago Pago, American Samoa 96799.
Arizona	Varies	Clerk of Superior Court in county where license was issued.
Arkansas	\$2.00	Records since 1917: Division of Vital Records, Arkansas Department of Health, 4815 W. Markham, Little Rock, Arkansas 72201.
	\$2.00	Full certified copy may be obtained from county clerk in county where license was issued.
California	\$2.00	Vital Statistics Section, State Department of Public Health, 410 N. Street, Sacramento, California 95814.
Canal Zone	\$2.00	License Section, Civil Affairs Bureau, Box "L", Balboa Heights, Canal Zone.
Colorado .....	.	Statewide index of records for all years except 1940-1967: Records and Statistics Section, Colorado Department of Health, 4210 East 11th Avenue, Denver, Colorado 80220. Inquiries will be forwarded to appropriate county office.
	Varies	County Clerk in county where license was issued.

*Apply to county where license was issued if it is known. Certified copies not available from State health department.

<i>Place of marriage</i>	<i>Cost of copy</i>	<i>Address and remarks</i>
Connecticut	\$2.00	Records since July 1, 1897: Public Health Statistics Section, State Department of Health, 79 Elm Street, Hartford, Connecticut 06115.
	\$2.00	Registrar of Vital Statistics in town where license was issued.
Delaware	\$2.50	Bureau of Vital Statistics, Division of Public Health, Department of Health and Social Services, Jesse S. Cooper Memorial Bldg., Dover, Delaware 19901.
District of Columbia	\$2.00	Marriage Bureau, 440 G Street, N.W., Room 337, Washington, D.C. 20001. Fee for proof of marriage, \$1.00. Fee for application only, \$1.00. Complete record, \$2.00.
Florida	\$2.00	Records since June 6, 1927: Bureau of Vital Statistics, State Division of Health, P.O. Box 210, Jacksonville, Florida 32201. If year is unknown, the fee is \$2.00 for the first year searched and \$1.00 for each additional year up to a maximum of \$25.00. Fee includes a copy of the record if found.
	\$2.00	Clerk of Circuit Court in county where license was issued.
Georgia	•	Centralized State records since June 9, 1952: Vital Records Unit, State Department of Human Resources, Room 217-H, 47 Trinity Avenue, S.W., Atlanta, Georgia 30334. Inquiries will be forwarded to appropriate office.
	\$2.00	County Ordinary in county where license was issued.
Guam	\$1.00	Office of Vital Statistics, Department of Public Health and Social Services, Government of Guam, P.O. box 2816, Agana, Guam, M.I. 96910.
Hawaii	\$2.00	Research and Statistics Office, State Department of Health, P.O. Box 3378, Honolulu, Hawaii 96801.
Idaho	\$2.00	Records since 1947: Bureau of Vital Statistics, State Department of Health and Welfare, Statehouse, Boise, Idaho 83720.
	Varies	County Recorder in county where license was issued.
Illinois	•	Records since January 1, 1962 Office of Vital Records, State Department of Public Health, Springfield, Illinois 62761. All items may be verified (fee \$2.00).
	\$2.00	County Clerk in county where license was issued.
Indiana	•	Records since 1958: Division of Vital Records, State Board of Health, 1330 West Michigan Street, Indianapolis, Indiana 42606 No certification. Inquiries will be forwarded to appropriate office.
	Varies	Clerk of Circuit Court, or Clerk of Superior Court, in county where license was issued.
Iowa	\$2.00	Division of Records and Statistics, State Department of Health, Des Moines, Iowa 50319.
Kansas	\$2.00	Records since May 1913: Bureau of Registration and Health Statistics, Kansas State Department of Health and Environment, 6700 S. Topeka Ave., Topeka, Kansas 66620.
	Varies	Probate Judge in county where license was issued.

* Apply to county where license was issued if it is known. Certified copies not available from State health department.

<i>Place of marriage</i>	<i>Cost of copy</i>	<i>Address and remarks</i>
Kentucky	\$2.00	Records since July 1, 1958: Office of Vital Statistics, State Department of Health 275 East Main Street, Frankfort, Kentucky 40601.
	Varies	Clerk of County Court in county where license was issued.
Louisiana	•	Records since 1946: Bureau of Vital Statistics, State Department of Health, P.O. Box 60630, New Orleans, Louisiana 70160. Inquiries will be forwarded to appropriate office.
	\$2.00	Certified copies are issued by the Clerk of Court in parish where license was issued.
Maine	\$2.00	Office of Vital Records, State Department of Health and Welfare, State House, Augusta, Maine 04333.
	\$2.00	Town Clerk in town where license was issued.
Maryland	\$2.00	Records since June 1, 1951: Division of Vital Records, State Department of Health and Mental Hygiene, State Office Building, P.O. Box 13146, 201 West Preston Street, Baltimore, Maryland 21203.
	Varies	Clerk of Circuit Court in county where license was issued or Clerk of Court of Common Pleas of Baltimore.
Massachusetts	\$2.00	Records since 1841: Registrar of Vital Statistics, Room 103 McCormack Bldg., 1 Ashburton Place, Boston, Massachusetts 02108. Earliest Boston records are for the year 1848.
Michigan	\$2.00	Records since April 1867: Office of Vital and Health Statistics, Michigan Department of Public Health, 3500 North Logan Street, Lansing, Michigan 48914.
	\$2.00	County Clerk in county where license was issued.
Minnesota	•	Statewide index since January 1958: Section of Vital Statistics, State Department of Health, 717 Delaware Street, S.E., Minneapolis, Minnesota 55440. Inquiries will be forwarded to appropriate office.
	\$2.00	Clerk in District Court in county where license was issued.
Mississippi	\$2.00	Statistical Record only from January 1926 to July 1, 1938, and from January 1, 1942 to present: Vital Records Registration Unit, State Board of Health, P.O. Box 1700, Jackson, Mississippi 39205.
	\$2.00	Circuit Clerk in county where license was issued.
Missouri	Free	Indexes since July 1948. Division of Health, Bureau of Vital Records, Jefferson City, Missouri 65101. Correspondent will be referred to appropriate Recorder of Deeds of the county where the license was issued.
	Varies	Recorder of Deeds in county where license was issued.
Montana	•	Records since July 1943: Bureau of Records and Statistics, State Department of Health and Environmental Sciences, Helena, Montana 59601. Inquiries will be forwarded to appropriate office.
	Varies	Clerk of District Court in county where license was issued.
Nebraska	\$3.00	Records since January 1909: Bureau of Vital Statistics, State Department of Health, Lincoln Bldg., 1003 O Street, Lincoln, Nebraska 68508.
	Varies	County Court in county where license was issued.

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<i>Place of marriage</i>	<i>Cost of copy</i>	<i>Address and remarks</i>
Nevada		Indexed since January 1, 1968: Department of Human Resources, Division of Health - Vital Statistics, Capitol Complex, Office of Vital Records, Carson City, Nevada 89710. Inquiries will be forwarded to appropriate office.
	Varies	County Recorder in county where license was issued.
New Hampshire	\$2.00	Records since 1640: Department of Health and Welfare, Division of Public Health, Bureau of Vital Statistics, 61 South Spring Street, Concord, New Hampshire 03301.
	\$1.00	Town Clerk in town where license was issued.
New Jersey	\$2.00	State Registrar, State Department of Health, P.O. Box 1540, Trenton, New Jersey 08625. If year is unknown, the fee is an additional \$0.50 for each calendar year to be searched.
	No fee	For records from May 1848 thru May 1878 write to the Archives and History Bureau, State Library Division, State Department of Education, Trenton, New Jersey 08625.
New Mexico	Varies	County Clerk in county where marriage was performed.
New York (except New York City)	\$2.00	Records from January 1880 to December 1907 and since May 1915: Bureau of Vital Records, State Department of Health, Empire State Plaza, Tower Building, Albany, New York 12237.
	Varies	Records from January 1908 to April 1915: County Clerk in county where license was issued.
	\$2.00	Records from January 1880 to December 1907: Write to City Clerk in Albany or Buffalo and Registrar of Vital Statistics in Yonkers, if marriage occurred in these cities.
New York City	\$4.00	Records from 1847 to 1865: Municipal Archives and Records Retention Center, New York Public Library, 23 Park Row, New York, New York 10038, except Brooklyn records for this period, which are filed with County Clerk's Office, Kings County, Supreme Court Building, Brooklyn, New York 11201. Additional copies of the same record ordered at the same time all \$2.00 each.
	**	Records from 1866 to 1907: City Clerk's Office in borough in which marriage was performed.
	**	Records from 1908 to May 12, 1943: Residents-City Clerk's Office in borough of bride's residence; non-residents-City Clerk's Office in borough in which license was obtained.
	**	Records from May 13, 1943, to date: City Clerk's Office in borough in which license was issued.
Bronx Borough		Office of City Clerk, 1780 Grand Concourse, Bronx, New York 10457. Records for 1908-1913 for Bronx are on the file in Manhattan Office.
Brooklyn Borough		Office of City Clerk, 208 Joralemon Street, Brooklyn, New York 11201.
Manhattan Borough		Office of City Clerk, Chambers and Centre Streets, New York, N.Y. 10007.
Queens Borough		Office of City Clerk, 120-55 Queens Boulevard, Borough Hall Station, Jamaica, New York 11424.
Richmond Borough		Office of City Clerk, Borough Hall, St. George, Staten Island, New York 10301.

*Apply to county where license was issued if it is known. Certified copies not available from State health department.

**\$4.00 when exact year of marriage is submitted. (Add \$0.50 for the 2d year of search and \$0.25 for each additional year). Certificate will show names, ages, dates of birth, and date and place of marriage. For additional information-names and countries of birth of parents, matrimonial history, etc.-express request must be made. Mail requests must also include the cost of return postage.

<i>Place of marriage</i>	<i>Cost of copy</i>	<i>Address and remarks</i>
North Carolina	\$2.00	Department of Human Resources, Division of Health Services, Vital Records Branch, P.O. Box 2091, Raleigh, North Carolina 27602.
	Varies	Registrar of Deeds in county where marriage was performed.
North Dakota	\$1.00	Records since July 1, 1925: Division of Vital Records, State Department of Health, Bismarck, North Dakota 58505. Inquiries will be forwarded to appropriate office.
	Varies	County Judge in county where license was issued.
Ohio .....	.	Records since September 1949: Division of Vital Statistics, Ohio Department of Health, G-20 Ohio Departments Building, 65 S. Front Street, Columbus, Ohio 43215. Inquiries will be forwarded to appropriate office. All items may be verified.
	Varies	Probate Judge in county where license was issued.
Oklahoma	Varies	Clerk of Court in county where license was issued.
Oregon	\$3.00	Records since January 1907: Vital Statistics Section, State Health Division. State Board of Health, P.O. Box 231, Portland, Oregon 97207. Fee includes search and first copy. Additional copies of the same record ordered at the same time are \$2.00 each.
	Varies	County Clerk of county where license was issued.
Pennsylvania .....	.	Records since January 1941: Division of Vital Statistics, State Department of Health, Central Building, 101 South Mercer Street, P.O. Box 1528, New Castle, Pennsylvania 16103. Inquiries will be forwarded to appropriate office.
	Varies	Marriage License Clerks, County Court House in county seat where license was issued.
Puerto Rico	\$0.50	Division of Demographic Registry and Vital Statistics, Department of Health, San Juan, Puerto Rico 00908.
Rhode Island	\$2.00	Records since January 1853: Division of Vital Statistics, Rhode Island Department of Health, Room 101, Health Building, Davis Street, Providence, Rhode Island 02908.
	\$1.00	Town Clerk in town, or City Clerk in city, where marriage was performed.
South Carolina	\$2.00	Records since July 1, 1950: Division of Vital Records, Department of Health and Environmental Control, 2600 Bull Street, Columbia, South Carolina 29201.
	Varies	Records since July 1, 1911: Probate Judge in county where license was issued.
South Dakota	\$2.00	Records since July 1, 1905: Division of Public Health Statistics, State Department of Health, Pierre, South Dakota 57501.
	\$2.00	County Treasurer in county where license was issued.
Tennessee	\$2.00	Records since July 1945: Division of Vital Records, State Department of Public Health, Cordell Hull Building, Nashville, Tennessee 37219.
	Varies	County Court Clerk in county where license was issued.
Texas	Varies	County Clerk in county where license was issued.

*Apply to county where license was issued if it is known. Certified copies not available from State health department.

<i>Place of marriage</i>	<i>Cost of copy</i>	<i>Address and remarks</i>
Trust Territory of the Pacific Islands	Varies	Clerk of Court in district where marriage was performed.
Utah	Varies	County Clerk in county where license was issued.
Vermont	\$1.50	Records since 1857: Secretary of State, Vital Records Department, Montpelier, Vermont 05602.
	\$2.00	Town Clerk in town where license was issued.
		For information on vital statistics laws, how to correct a record, etc., write to: Public Health Statistics Division, Department of Health, Burlington, Vermont 05401.
Virginia	\$2.00	Records since January 1853: Bureau of Vital Records and Health Statistics, State Department of Health, James Madison Building, P.O. Box 1000, Richmond, Virginia 23208.
	Varies	Court Clerk in county or city where license was issued.
Virgin Island (U.S.) .....	.	Bureau of Vital Records and Statistical Services, Virgin Islands Department of Health, Charlotte Amalie, St. Thomas, Virgin Islands 00801. Inquiries will be forwarded to appropriate office.
St. Croix	\$1.00	Clerk of Municipal Court, Municipal Court of the Virgin Islands, Christiansted, St. Croix, Virgin Islands 00820.
St. Thomas and St. John ...	\$1.00	Clerk of Municipal Court, Municipal Court of the Virgin Islands, Charlotte Amalie, St. Thomas, Virgin Islands 00801.
Washington	\$3.00	Records since January 1, 1968: Bureau of Vital Statistics, Health Services Division, Department of Social and Health Services, P.O. Box 709, Olympia, Washington 98504.
	\$2.00	County Auditor in county where license was issued.
West Virginia .....	.	Records since 1921: Division of Vital Statistics, State Department of Health, Charleston, West Virginia 25305. Inquiries will be forwarded to appropriate office. Some items may be verified (fee \$1.00).
	Varies	County Clerk in county where license was issued.
Wisconsin	\$4.00	Records since April 1835: Bureau of Health Statistics, Wisconsin Division of Health, P.O. Box 309, Madison, Wisconsin 53701.
Wyoming	\$2.00	Records since May 1941: Vital Records Services, Division of Health and Medical Services, State Office Building, West Cheyenne, Wyoming 82002.
	Varies	County Clerk in county where license was issued.

*Apply to county where license was issued if it is known. Certified copies not available from State health department.

Where to write for

BIRTH AND DEATH RECORDS

United States and Outlying Areas

For every birth and death, an official certificate should be on file in the place where the event occurs. These certificates are prepared by physicians, funeral directors, other professional attendants, or hospital authorities. The Federal Government does not maintain files or indexes of these records. They are permanently filed in the central vital statistics office of the State, independent city, or outlying area where the event occurred.

To obtain a certified copy of a certificate, write or go to the vital statistics office in the State or area where the birth or death occurred. The offices are listed below.

In writing for a certified copy, it is suggested that a money order

or certified check be enclosed since the office cannot refund cash lost in transit. Fees listed are subject to change.

The letter should give the following facts (type or print all names and addresses):

1. Full name of the person whose record is being requested.
2. Sex and race.
3. Parents' names, including maiden name of mother.
4. Month, day, and year of the birth or death.
5. Place of birth or death (city or town, county, and State; and name of hospital, if any).
6. Purpose for which copy is needed.
7. Relationship to person whose record is being requested.

Place of birth or death	Cost of full copy	Cost of short form	Address of vital statistics office	Remarks
Alabama	\$3.00	Not issued	Bureau of Vital Statistics State Department of Public Health Montgomery, Alabama 36104	Additional copies at same time are \$1.00 each. State office has records since January 1, 1908. Fee for special searches is \$3.00 per hour.
Alaska	\$3.00	\$3.00	Bureau of Vital Statistics Department of Health and Welfare Pouch "H" Juneau, Alaska 99801	State office has records since 1913.
American Samoa	\$1.00	Not issued	Office of the Territorial Registrar Government of American Samoa Pago Pago American Samoa 96799	Registrar has records on file since before 1900.
Arizona	\$2.00	\$2.00	Division of Vital Records State Department of Health P.O. Box 3887 Phoenix, Arizona 85030	State office has records since July 1, 1909, and abstracts of records filed in the counties before that date.

NOTE: Births occurring before birth registration was required or births not registered when they occurred may have been filed as "delayed birth registrations." Keep this in mind when seeking a copy of a record.

<i>Place of birth or death</i>	<i>Cost of full copy</i>	<i>Cost of short form</i>	<i>Address of vital statistics office</i>	<i>Remarks</i>
Arkansas			Division of Vital Records Arkansas Department of Health 4815 West Markham Street Little Rock, Arkansas 72201	State office has records since February 1, 1914, as well as some original Little Rock and Fort Smith records from 1881.
Birth.....	\$2.00	\$2.00		
Death	\$3.00			
California	\$2.00	\$2.00	Vital Statistics Section State Department of Health 410 N Street Sacramento, California 95814	State office has records since July 1, 1905. For records before that date, write to County Recorder in county of event.
Canal Zone	Not issued	\$2.00	Vital Statistics Clerk Health Bureau Balboa Heights, Canal Zone	Central office has records since May 1904.
Colorado	\$2.00	\$2.00	Records and Statistics Section Colorado Department of Health 4210 East 11th Avenue Denver, Colorado 80220	State office has death records since 1900 and birth records since 1910. State office also has birth records for some counties for years prior to 1910. \$2.00 fee is for search of files and one copy of record if found.
Connecticut	\$2.00	\$1.00	Public Health Statistics Section State Department of Health 79 Elm Street Hartford, Connecticut 06115	State office has records since July 1, 1897. For records before that date write to Registrar of Vital Statistics in town or city where birth or death occurred.
Delaware	\$2.50	\$2.50	Bureau of Vital Statistics Division of Public Health Department of Health and Social Services Jesse S. Cooper Memorial Building Dover, Delaware 19901	State office has records for 1861 to 1863 and since 1881 but no records for 1864 through 1880.
District of Columbia...	\$1.00	\$1.00	Department of Human Resources Vital Records Section Rm 1022 300 Indiana Avenue, NW. Washington, D.C. 20001	Death records on file beginning with 1885 and birth records beginning with 1871, but no death records were filed during the Civil War.
Florida	\$2.00	\$2.00	Department of Health and Rehabilitative Services Division of Health Bureau of Vital Statistics P.O. Box 210 Jacksonville, Florida 32201	State office has some birth records since April 1865 and some death records since August 1877. The majority of records date from January 1917. (If the exact date is unknown and more than 1 year has to be searched, the fee is \$2.00 for the first year searched and \$1.00 for each additional year searched up to a maximum of \$25.00. Fee includes a copy of the record if found.)
Georgia	\$3.00	\$3.00	Vital Records Unit State Department of Human Resources Room 217-H 47 Trinity Avenue, SW. Atlanta, Georgia 30334	The State office has records since January 1, 1919. For records before that date in Atlanta or Savannah, write to the County Health Department in place where birth or death occurred. Additional copies of same record ordered at same time are \$1.00 each.

NOTE: Births occurring before birth registration was required or births not registered when they occurred may have been filed as "delayed birth registrations." Keep this in mind when seeking a copy of a record.

<i>Place of birth or death</i>	<i>Cost of full copy</i>	<i>Cost of short form</i>	<i>Address of vital statistics office</i>	<i>Remarks</i>
Guam	\$1.00	\$1.00	Office of Vital Statistics Department of Public Health and Social Services Government of Guam P.O. Box 2816 Agana, Guam, M.I. 96910	Office has records on file since October 26, 1901.
Hawaii.....	\$2.00	\$2.00	Research and Statistics Office State Department of Health P.O. Box 3378 Honolulu, Hawaii 96801	State office has records since 1853.
Idaho	\$2.00	\$2.00	Bureau of Vital Statistics State Department of Health and Welfare Statehouse Boise, Idaho 83720	State office has records since 1911. For records from 1907 to 1911, write to County Recorder in county where birth or death occurred.
Illinois	\$3.00	\$3.00	Office of Vital Records State Department of Public Health 535 W. Jefferson Street Springfield, Illinois 62761	State office has records filed since January 1, 1916. For records filed before that date and for copies of State records since January 1, 1916, write to the County Clerk in county where birth or death occurred. (\$3.00 fee is for search of files and one copy of the record if found. Additional copies of the same record ordered at the same time are \$2.00 each.)
Indiana	\$3.00	Not issued	Division of Vital Records State Board of Health 1330 West Michigan Street Indianapolis, Indiana 46206	State office has birth records since October 1, 1907, and death records since 1900. For records before that date, write to Health Officer in city or county where birth or death occurred. Additional copies of same record ordered at same time are \$1.00 each.
Iowa.....	\$2.00	\$2.00	Division of Records and Statistics State Department of Health Des Moines, Iowa 50319	State office has records since July 1, 1880.
Kansas.....	\$2.00	\$2.00	Bureau of Registration and Health Statistics 6700 S. Topeka Avenue Topeka, Kansas 66620	State office has records since July 1, 1911. For records before that date, write to County clerk in county where birth or death occurred.
Kentucky	\$2.00	\$2.00	Office of Vital Statistics State Department of Health 275 East Main Street Frankfort, Kentucky 40601	State office has records since January 1, 1911 and for Louisville and Lexington before that date. If birth or death occurred in Covington before 1911, write to City Health Department.
Louisiana	\$2.00	\$2.00	Office of Vital Records State Department of Health P.O. Box 60630 New Orleans, Louisiana 70160	State office has records since July 1, 1914. Birth records available for City of New Orleans from 1790, and death records from 1803.

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<i>Place of birth or death</i>	<i>Cost of full copy</i>	<i>Cost of short form</i>	<i>Address of vital statistics office</i>	<i>Remarks</i>
Maine	\$2.00	\$2.00	Office of Vital Records State Department of Health and Welfare State House Augusta, Maine 04333	State Office has records since 1892. For records before that year write to the municipality where event occurred.
Maryland	\$2.00	\$2.00	Division of Vital Records State Department of Health State Office Building 201 West Preston Street P.O. Box 13146 Baltimore, Maryland 21203	State office has records since 1898. Records for the City of Baltimore are available from January 1, 1875.
Massachusetts.....	\$2.00	Free	Registrar of Vital Statistics Rm. 103 McCormack Bldg. 1 Ashburton Place Boston, Massachusetts 02108	State office has records since 1841. For records prior to that year, write to the City or Town Clerk in place where birth or death occurred. Earliest Boston records available in this office are for 1848.
Michigan	\$2.00	\$2.00	Office of Vital and Health Statistics Michigan Department of Public Health 3500 North Logan Street Lansing, Michigan 48914	State office has records since 1867. Copies of records since 1867 may also be obtained from County Clerk. Detroit records may be obtained from the City Health Department for births occurring since 1893 and for deaths since 1897.
Minnesota.....	\$2.00	\$2.00	Minnesota Department of Health Section of Vital Statistics 717 Delaware Street, S.E. Minneapolis, Minnesota 55440	State office has records since January 1908. Copies of records prior to 1908 may be obtained from Clerk of District Court in county where birth or death occurred or from the Minneapolis or St. Paul City Health Department if the event occurred in either city.
Mississippi.....	\$2.00	\$2.00	Vital Records Registration Unit State Board of Health P.O. Box 1700 Jackson, Mississippi 39205	
Missouri	\$1.00	\$1.00	Bureau of Vital Records Division Of Health State Department of Public Health and Welfare Jefferson City, Missouri 65101	State office has records beginning with January 1910. If birth or death occurred in St. Louis (city), St. Louis County, or Kansas City before 1910, write to the City or County Health Department; copies of these records are \$2.00 each.
Montana.....	\$2.00	\$2.00	Bureau of Records and Statistics State Department of Health and Environmental Sciences Helena, Montana 59601	State office has records since late 1907.

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<i>Place of birth or death</i>	<i>Cost of full copy</i>	<i>Cost of short form</i>	<i>Address of vital statistics office</i>	<i>Remarks</i>
Nebraska	\$3.00	\$3.00	Bureau of Vital Statistics State Department of Health Lincoln Building 1003 "O" Street Lincoln, Nebraska 68508	State office has records since late 1904. If birth occurred before that date, write the State office for information.
Nevada	\$2.00	\$1.00	Department of Human Resources Division of Health - Vital Statistics Office of Vital Records Capitol Complex Carson City, Nevada 89710	State office has records since July 1, 1911. For earlier records, write to County Recorder in county where birth or death occurred.
New Hampshire	\$2.00	\$2.00	Department of Health and Welfare Division of Public Health Bureau of Vital Statistics 61 South Spring Street Concord, New Hampshire 03301	Copies of records may be obtained from State office or from City or Town Clerk where birth or death occurred. (\$2.00 fee is for search of files and copy of the record if found.)
New Jersey	\$2.00	\$2.00	State Department of Health Bureau of Vital Statistics Box 1540 Trenton, New Jersey 08625	State office has records since June 1878. (\$2.00 fee is for search of files and one copy of the record if found. Additional copies of same record ordered at same time are \$1.00 each. When the exact date is unknown the fee is an additional \$0.50 per year searched.)
			Archives and History Bureau State Library Division State Department of Education Trenton, New Jersey 08625	For records from May 1848 through May 1878, write State Department of Education.
New Mexico	\$2.00	\$2.00	Vital Records New Mexico Health and Social Services Department PERA Building Room 118 Santa Fe, New Mexico 87501	State office has records since 1880 (\$2.00 fee is for search of files and one copy of the record is found).
New York (except New York City) ...	\$2.00	\$2.00	Bureau of Vital Records State Department of Health Empire State Plaza Tower Building Albany, New York 12237	State office has records since 1880. For records prior to 1914 in Albany, Buffalo, and Yonkers or before 1880 in any other city, write to Registrar of Vital Statistics in the city where birth or death occurred. For the rest of the State, except New York City, write to State office.
New York (all boroughs)			Bureau of Records and Statistics Department of Health of New York City 125 Worth Street New York, New York 10013	Records on file since 1898. Additional copies of birth records ordered at same time are \$1.50 each. For Old City of New York (Manhattan and part of the Bronx) birth and death records from 1865-1897, write to the Municipal Archives and Records Retention Center of New York, 23 Park Row, New York, New York 10038.
Birth.....	\$3.00	\$3.00		
Death	\$2.50			

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<i>Place of birth or death</i>	<i>Cost of full copy</i>	<i>Cost of short form</i>	<i>Address of vital statistics office</i>	<i>Remarks</i>
North Carolina	\$2.00	\$2.00	Department of Human Resources Division of Health Services Vital Records Branch P.O. Box 2091 Raleigh, North Carolina 27602	State office has records since October 1, 1913, and some delayed records prior to that date.
North Dakota	\$2.00	\$2.00	Division of Vital Records Office of Statistical Services State Department of Health Bismarck, North Dakota 58505	State office has some records from July 1, 1893; years from 1894 to 1920 are incomplete.
Ohio	\$1.00	\$1.00	Division of Vital Statistics Ohio Department of Health G-20 Ohio Departments Building 65 S. Front Street Columbus, Ohio 43215	State office has records since December 20, 1908. For records before that date; write to Probate Court in county where birth or death occurred.
Oklahoma	\$2.00	\$2.00	Vital Records Section State Department of Health Northeast 10th Street & Stonewall P.O. Box 53551 Oklahoma City, Oklahoma 73105	State office has records since October 1908.
Oregon	\$3.00	\$3.00	Vital Statistics Section Oregon State Health Division P.O. Box 231 Portland, Oregon 97207	State office has records since July 1903. State office has some earlier records for the City of Portland dating from approximately 1880. Additional copies of the same record ordered at the same time are \$2.00 each.
Pennsylvania	\$2.00	\$1.00	Division of Vital Statistics State Department of Health Central Building 101 South Mercer Street P.O. Box 1528 Newcastle, Pennsylvania 16103	State office has records since January 1, 1906. For records before that date, write to Register of Wills, Orphans Court, county seat where birth or death occurred. Persons born in Pittsburgh from 1870 to 1905 or in Allegheny City, now part of Pittsburgh, from 1882 to 1905 should write to the Office of Biostatistics, Pittsburgh Health Department, City-County Building, Pittsburgh, Pennsylvania 15219. For births and deaths occurring in the City of Philadelphia from 1860 to 1915, apply to Vital Statistics, Philadelphia Department of Public Health, City Hall Annex, Philadelphia, Pennsylvania 19107.
Puerto Rico.....	\$0.50	\$0.50	Division of Demographic Registry and Vital Statistics Department of Health San Juan, Puerto Rico 00908	Central office has records since July 22, 1931. Copies of records prior to that date may be obtained by writing to local Registrar (Registrador Demografico) in municipality where birth or death occurred or to central office.
Rhode Island	\$2.00	\$2.00	Division of Vital Statistics State Department of Health Room 101 Health Building Davis Street Providence, Rhode Island 02908	State office has records since 1853. For records before that year, write to Town Clerk in town where birth or death occurred.

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<i>Place of birth or death</i>	<i>Cost of full copy</i>	<i>Cost of short form</i>	<i>Address of vital statistics office</i>	<i>Remarks</i>
South Carolina	\$2.00	\$2.00	Division of Vital Records Bureau of Health Measurement S.C. Department of Health and Analysis Environmental Control 2600 Bull Street Columbia, South Carolina 29201	State office has records since January 1, 1915. City of Charleston births from 1877 and deaths from 1821 on file at Charleston County Health Department. Ledger entries of Florence City births and death from 1895 to 1914 on file at Florence County Health Department. Ledger entries of Newsberry City births and deaths from late 1800's on file at Newberry County Health Department. Early records are obtainable only from County Health Departments listed.
South Dakota.....	\$2.00	\$2.00	Division of Public Health Statistics State Department of Health Pierre, South Dakota 57501	State office has records since July 1, 1905, and access to other records for some births and deaths which occurred before that date.
Tennessee.....	\$2.00	\$2.00	Division of Vital Statistics State Department of Public Health Cordell Hull Building Nashville, Tennessee 37219	State office has birth records for entire State from January 1, 1914, to date and records from June 1881 for Nashville, July 1881 for Knoxville, and January 1882 for Chattanooga. State office has death records for entire State from January 1, 1914, to date and records from July 1874 for Nashville, March 6, 1872, for Chattanooga, and July 1, 1887, for Knoxville. Birth and death enumeration records by school districts from July 1, 1908, through June 30, 1912. Memphis birth records are from April 1, 1874, through December 1887; records continue November 1, 1898, to January 1, 1914. Death records date from May 1, 1848, to January 1, 1914. Apply to Memphis-Shelby County Health Department, Division of Vital Statistics, Memphis, Tennessee.
Texas	\$2.00	\$2.00	Bureau of Vital Statistics Texas Department of Health Resources 410 East 5th Street Austin, Texas 78701	State office has records since 1903.
Trust Territory of the Pacific Islands	\$0.25 plus \$0.10 per 100 words	\$0.25 plus \$0.10 per 100 words	Clerk of Court of district where event occurred. (If not sure of the district in which event occurred, write to the Director of Medical Services, Department of Medical Services, Saipan, Mariana Islands 96950, to have the inquiry referred to the correct district.)	Courts have records since November 21, 1952. Beginning 1950 a few records for various islands are temporarily filed with the Hawaii Bureau of Vital Statistics.
Utah	\$3.00	\$3.00	Division of Vital Statistics Utah State Department of Health 554 South Third East Salt Lake City, Utah 84113	State office has records since 1905. If birth or death occurred from 1890 through 1904 in Salt Lake City or Ogden, write to City Board of Health. For records elsewhere in the State from 1898 through 1904, write to County Clerk in county where birth or death occurred.

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<i>Place of birth or death</i>	<i>Cost of full copy</i>	<i>Cost of short form</i>	<i>Address of vital statistics office</i>	<i>Remarks</i>
Vermont	\$2.00	\$2.00	Town or City Clerk of town where birth or death occurred.	
	\$1.50	\$1.50	Secretary of State Vital Records Department State House Montpelier, Vermont 05602	
			Public Health Statistics Division Department of Health Burlington, Vermont 05401	For information on vital statistics laws, how to correct a record, etc., write to Department of Health.
Virginia	\$2.00	\$2.00	Bureau of Vital Records and Health Statistics State Department of Health James Madison Building Box 1000 Richmond, Virginia 23 208	State office has records from January 1853 through December 1896 and since June 4, 1912. For records between those dates, write to the Health Department in the city where birth or death occurred.
Virgin Islands (U.S.) St. Thomas.....	\$2.00	Not issued	Registrar of Vital Statistics Charlotte Amalie St. Thomas, Virgin Islands 00802	Registrar has birth records on file since July 1, 1906, and death records since January 1, 1906.
St. Croix	\$2.00	Not issued	Registrar of Vital Statistics Charles Harwood Memorial Hospital St. Croix, Virgin Islands	Registrar has birth and death records on file since 1840.
Washington	\$3.00	\$3.00	Bureau of Vital Statistics Health Services Division Department of Social and Health Services P.O. Box 709 Olympia, Washington 98504	State office has records since July 1, 1907. In Seattle, Spokane, and Tacoma a copy may also be obtained from the City Health Department. For records before July 1, 1907, write to Auditor in county where birth or death occurred.
West Virginia	\$1.00	Not issued	Division of Vital Statistics State Department of Health State Office Building No. 3 Charleston, West Virginia 25305	State office has records since January 1917. For records prior to that year, write to Clerk of County Court in the county where birth or death occurred.
Wisconsin	\$4.00	\$4.00	Bureau of Health Statistics Wisconsin Division of Health P.O. Box 309 Madison, Wisconsin 53701	State office has some records since 1814; early years are incomplete.
Wyoming	\$2.00	\$2.00	Vital Records Services Division of Health and Medical Services State Office Building West Cheyenne, Wyoming 82002	State office has records since July 1909.

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Where to write for

Birth and Death Records of U.S. Citizens Who Were Born or Died Outside of the United States and Birth Certifications for Alien Children Adopted by U.S. Citizens

Records of Births of Persons Born in Foreign Countries Who Are U.S. Citizens at Birth

Reports of births of U.S. citizens who are born in foreign countries are to be made to the nearest U.S. consular office as soon after the birth as possible. The report should be prepared and filed by one of the parents; however, the physician or midwife attending the birth or any other person having knowledge of the facts can prepare the report. The report is made on Form FS-240, Reports of Birth Abroad of a Citizen of the United States of America, familiarly known as the "Consular Report of Birth." The original of the Report is sent to the Department of State at Washington, D.C., for retention in its files. The parents may purchase a copy of the report for \$1.50 at the time it is prepared.

When the Consular Report of Birth is completed the post issues the parents, free of charge, a Certification of Birth (Form FS-545). The Certification of Birth is similar in appearance and content to the short form birth certificates issued by the civil authorities in the United States.

Reports of birth should be made to the consular office as soon as possible after the child's birth. Except under very unusual circumstances the Department of State will not permit consular offices to prepare Consular Reports of Birth for children who are five years of age or over.

Copies of reports of births of American citizens born in foreign countries, whose births were reported to an American Consular, may be obtained by writing to Authentication Officer, U.S. Department of State, Washington, D.C. 20520. To obtain a copy, the Privacy Act

of 1974 requires the applicant, a parent, or an authorized agent to submit a signed statement which fully identifies the subject file. The fee for a copy is \$3.00 (check or money order).

The Department of State issues two types of copies taken from the Consular Report of Birth (Form FS-240).

- a. A full copy of Form FS-240 as it was filed
- b. A short form, Certification of Birth, Form DS-1350, which sets forth only the name and sex of the child and the date and place of birth (\$3.00)

Either form is fully valid with respect to the information it contains. The Certification of Birth may be obtained in a name subsequently acquired by adoption or legitimation when proof is submitted to establish that such an action has legally taken place.

Records of Alien Children Adopted by U.S. Citizens

Birth certifications for alien children who have been adopted by U.S. citizens and lawfully admitted to the United States may be obtained from the Immigration and Naturalization Service (INS), U.S. Department of Justice, Washington, D.C. 20536, if the birth information is on file.

Certification may be issued for any child under 21 years of age who was born in a foreign country, but requests must be submitted on INS Form G-641, which can be obtained from any INS office. Address of nearest INS office may be obtained from a telephone directory. The \$5.00 fee for INS certification-Form G350, Certification of Birth Data from Immigration

and Naturalization Records should be paid by check or money order.

The certification can be issued in the new name of an adopted or legitimated child in instances where satisfactory proof of adoption or legitimation has been furnished to INS. This certification (Form G-350) does not serve as proof of U.S. nationality, however, since it may be issued for a child who has not yet become a citizen of the United States.

Certificate of Citizenship

A person who acquired citizenship of the United States through birth abroad of a United States citizen parent or parents or by subsequent derivative naturalization may apply for a certificate of citizenship pursuant to the provisions of Section 341 of the Immigration and Nationality Act. Application for this document may be made in the United States to the nearest office of the Immigration and Naturalization Service. Upon satisfactory proof to the Service that the child acquired citizenship as claimed, a certificate of citizenship will be issued in the name of the child, but only if such person is within the United States. The possession of the certificate of citizenship is not mandatory, and the decision whether to apply for it is entirely optional.

Death Records of U.S. Citizens Who Die in Foreign Countries

Reports of deaths of U.S. citizens who die in foreign countries are made to the nearest U.S. consular office, which forwards them to the U.S. Department of State, Washington, D.C. 20502, where they are permanently filed. (See exception given below.)

Copies of these reports may be obtained by writing to the Office of Special Consular Services, U.S. Department of State, Washington, D.C. 20520. The fee for a copy is \$3.00.

Exception: Reports of deaths of members of the Armed Forces of the United States are made only to the branch of the service to which the person was attached at the time of

death—Army, Navy, Air Force, or Coast Guard. In these cases, requests for copies of records should be directed as follows:

For members of the Army, Navy, or Air Force:

Secretary of Defense,
Washington, D.C. 20301

For members of the Coast Guard:

Commandant, P.S.
U.S. Coast Guard
Washington, D.C. 20226

Records of Birth and Deaths Occurring on Vessels or Aircraft on the High Seas

When a birth or death occurs on the high seas, whether in an aircraft or on a vessel, the determination of where the record is filed is decided in terms of the direction in which the vessel or aircraft was headed at the time the event occurred.

- a. If the vessel or aircraft was outbound or docked or landed at a foreign port, requests for copies of the record should be made to the U.S. Department of State, Washington, D.C. 20520.
- b. If the vessel or aircraft was inbound and the first port of entry was in the United States, write to the registration authority in the city where the vessel or aircraft docked or landed in the United States.
- c. If the vessel was of U.S. registry, contact the U.S. Coast Guard facility at the port of entry.

Cases in which aircraft or vessels were lost at sea are so complex that they cannot be discussed in detail in this publication. Direct inquiries on such cases to the address shown on the front of this leaflet.

Records Maintained by Foreign Countries

Most, but not all, foreign countries record births and deaths. It is not feasible to list all foreign vital record offices in this publication, the charges they make for copies of records, or the information they may require to locate a record. Certifications may be obtained from

most foreign countries for births and deaths occurring within their boundaries, however.

U.S. citizens who need a copy of a foreign birth or death record may obtain assistance by writing to the Office of Special Consular Serv-

ices, U.S. Department of State, Washington, D.C. 20520.

Aliens residing in the United States who seek records of these events should contact their nearest consular office.

Legal Assistance Items

Major F. John Wagner, Jr., Developments, Doctrine and Literature Department, Major Joseph C. Fowler, Jr., and Major Steven F. Lancaster, Administrative and Civil Law Division, TJAGSA.

1. ITEMS OF INTEREST.

Administration—Preventive Law. The Federal Trade Commission announced an intensive, nation-wide search for 10,000 former students of vocational schools run by Ryder System, Inc. The students, who graduated from Ryder truck-driving and heavy equipment courses, may be eligible for refunds from Ryder of 75% of their tuition.

The refunds, representing three-quarters of the original tuition paid by each student to attend "National Professional Truck Driver Training," "Greer Technical Institute," and "Ryder Technical Institute" owned by Ryder System, are being paid in accordance with a consent agreement signed by Ryder. The consent agreement also bars Ryder from making false advertising claims. The consent order was issued by the Commission on December 28, 1977.

The refunds, not to exceed a total of \$1.5 million, are due to students who completed the resident training portion of the truck driver training programs between January 1, 1970, and December 31, 1972, but could not find employment as truck drivers or truck driving instructors. Heavy equipment students who completed training between January 1, 1971, and December 31, 1973, but could not find employment may also qualify for the refunds. All students must have made a reasonably diligent search.

Ryder System, a Florida corporation which ran vocational schools in Atlanta, Louisville, Memphis, Fresno, Braidwood, Ill., Millville, N.J., and Ardmore, Okla., was ordered by the

FTC to mail out "eligibility questionnaires" to the 10,000 graduates at their last known addresses. The FTC, however, estimates that up to 80% of the questionnaires may be undeliverable.

The FTC is supplying Public Service Announcements to TV stations and radio stations across the nation. The agency is mandated to regulate interstate trade and protect the free flow of commerce from unfair practices such as deceptive advertising. FTC urges former graduates of vocational schools owned by Ryder System who have not received their eligibility questionnaires to write Ryder Tuition Refund, Federal Trade Commission, Washington, D.C. 20580 and give their names, current address, Ryder School attended, and date of graduation. [Ref.: Ch. 2, DA PAM 27-12.]

Family Law—Domestic Relations—Division of Property. *Cohabiting Unmarried Couples May Have Property Divided On Dissolution Of Relationship.* *Beal v. Beal*, 4 FAM. L. REP. (BNA) 2462 (Ore. Apr. 18, 1978). The Oregon Supreme Court, recognizing that many couples are living together without the benefit of civil marriage, reverses its historical rule of refusing to deal with such relationships judicially. Henceforth, where such a relationship terminates, any property accumulated by the couple will be subject to division in accordance with the express or implied intent of the parties. This intent will be determined by written documents executed by the couple and by the circumstances surrounding the relationship. In *Beal*, the couple represented themselves as husband and wife and contributed both of their

incomes to the household. Therefore, the court held that both parties would have an undivided interest in the "marital house" *while they were living together*. Thereafter, rules of cotenancy determined their rights and obligations.

Family Law—Domestic Relations—Rehabilitative Alimony. *A Divorced Wife Was Awarded Only Enough Alimony To Allow Entry Into The Job Market.* *Turner v. Turner*, 4 FAM. L. REP. (BNA) 2423 (N.J. Super. Ct. Apr. 24, 1978). The 45 year old ex-wife of a disabled veteran was awarded \$50 per week for 16 months rehabilitative alimony. The New Jersey Superior Court, recognizing the impact of the woman's movement on society, determined that awarding alimony for a limited period of time encouraged qualified women to become self-sufficient. The facts of each case will determine the appropriateness of this type of award. Here, the award permitted Ms. Turner to complete a Reading Specialist Degree Program and one year of work before alimony would cease. Considering her employability, her share of the distribution of assets from the divorce and her ex-husband's physical and financial situation, the Court concluded that a limited alimony award was proper. NOTE: Florida and Connecticut have statutes specifically authorizing rehabilitative alimony.

Family Law—Domestic Relations—Wyoming. *The Wyoming Legislature Has Recently Completely Revised The Wyoming Divorce Law Found In Title 20, Chapter 2, Of The Wyoming State Code.* Three major changes in the divorce law were made. First, grounds for divorce have been reduced to only two, irreconcilable differences in the marital relationship and incurable insanity. The second change covers generally the entire statute, particularly regarding property settlements where the statute previously was oriented toward payments from the husband to the wife. The statute is now basically sex neutral. The only exception regards alimony after the divorce where the statute only provides for alimony from husband to wife. However, until the divorce is completed either party may receive

support payments, payments to allow them to pursue the action, child support, etc. The third change eliminates the provisions in the old statute for *criminal* action against the husband for failure to support, desertion, etc. The statute as it is now written is purely civil.

Family Law—Interspousal Immunity. The New Jersey Supreme Court has eliminated the doctrine of interspousal immunity as a bar to tort actions between husband and wife. In *Merenoff v. Merenoff*, 4 FAM. L. REP. (BNA) 2526 (N.J. June 1978), the court stated that neither marital harmony nor the danger of fraud on insurance companies was sufficient to justify continuance of the doctrine. Spouses themselves are the best judge of when suit is appropriate, opined the court, and standards of proof can be set high enough to prevent fraud.

Family Law—Support of Dependents. *The New Mexico Supreme Court Has Touched An Area That Could Impact On Non-custodial Military Parents.* In *Barela v. Barela*, 4 FAM. L. REP. (BNA) 2524 (N.M. June 8, 1978), the court affirmed the trial court's decision to relieve the father from future child support payments, where the mother, who had custody of their two children, exerted emotional, mental and physical influence on the children resulting in refusal by the children to visit their father. Before this remedy is open to supporting non-custodial spouses, the court must find that the custodial parent is capable of adequately supporting the children and that the custodial parent has deliberately interfered with non-custodial parent's relationship with the children. The court cited California, Alabama and Minnesota as other states following this same rule. [Ref.: Ch. 26, DA PAM 27-12.]

Real Property—Leasing—Implied Warranty Of Habitability. *A Pennsylvania Appellate Court Has Sounded The Death Knell For The Doctrine Of Caveat Emptor In Pennsylvania Residential Leases.* *Pugh v. Holmes*, 384 A.2d 1234 (Pa. Super. Ct. 1978). Because of the difficulty for the average tenant to adequately inspect leased premises, Pennsylvania apil now follow the growing trend among states to imply

a warranty of habitability in all residential leases, thereby making the tenant's obligation to pay rent and the landlord's obligation to maintain the dwelling mutually dependent. The court limited the landlord's obligation, however, to those facilities and services vital to the life, health and safety of the tenants and to the use of the premises for residential purposes. When the warranty applies will be a question of fact determined on a case by case basis with some guidance provided by the court. Henceforth, a tenant can use the breach of this implied warranty by the landlord to defend against an action for the eviction or unpaid rent and as the basis for suit against the landlord for reimbursement after the tenant has repairs made. To successfully use the new concept, the tenant must prove notice to the landlord and his failure to repair after a reasonable opportunity to do so. [Ref.: Ch. 34, DA PAM 27-12.]

Real Property—Leasing—Obligations of Landlord. *Reversing A Trial Court's Judgment Of Dismissal Of The Complaint For Damages Of A Female Tenant Following A Demurrer, A California Court Of Appeals Recognized A Cause Of Action Against Landlords Who Intentionally Fail To Warn Perspective Tenants Of A Known Serious Danger Of Crime On The Premises.* In this case, *O'Hara v. Western Seven Trees Corporation, Intercoast*, 142 Cal. Repr. 487 (Ct. App. 1977), the plaintiff alleged that she had been raped in her apartment on the landlord's premises and that the landlord's agent had failed to warn her, when she had applied to rent the apartment, that several women had been raped in the building, apparently by the same man; further, that the landlord's agent had deliberately misrepresented the security measures in effect on the premises to induce plaintiff to rent an apartment. The plaintiff further alleged that she relied on the landlord's representations before she rented the apartment.

The appellate court held that a landlord has the duty to take reasonable steps to protect tenants either by warning perspective tenants of known dangers or by providing adequate security to prevent injury from these known

hazards. The landlord is not thereby made an insurer for the tenants safety, but he or she must exercise reasonable care. Although a criminal act is generally an intervening factor which relieves a landlord of liability, in this case the court held that because the landlord knew or should have known that his conduct created an opportunity for the commission of the crime, his failure to warn a prospective tenant or take adequate security measures rendered him liable for damages. In other words, foreseeability of the crime is the key. The court further held that the tenant could maintain an action either in negligence if the landlord failed to reveal the danger or in an action for deceit if actual misrepresentations were made, or both. [Ref: Ch. 34, DA PAM 27-12.]

Taxation—Federal Income Tax—Sale Of Home. An employee was transferred for two years. He intended to return to the home he then owned after the two years so he rented it out. He bought a new home in the new city and after the two years were up he sold it. At the same time he sold his first home and bought another because the local school had closed. In Rev. Rul. 78-146 the Internal Revenue Service ruled that he does not have to pay tax on the gain from the sale of his first home (the one he rented out) if the proceeds from it are put into the new home. The IRS considered the first home his permanent home (the one he intended to return to). He must pay tax on the gain from the sale of the home in the other city because there can be only one principal residence at a time. [Ref.: Ch. 41, DA PAM 27-12.]

Taxation—Federal Income Tax—Child Care. The U.S. Tax Court decided in *Warner v. Commissioner* (28 March 1978) that child care expenses under Section 214 of the Internal Revenue Code do not include the cost of transporting a working mother's child to a day care center. The court pointed out that the child care deduction under Section 214 was available for the actual expense of dependent care services for preschool age children but that Section 262 of the Code prohibited deductions for personal, living, or family expenses. Because Congress has not specifically provided for a trans-

portation expense deduction for child care it was the court's opinion that Section 262 prohibited the deduction. [Ref.: Ch. 41, DA PAM 27-12.]

2. ARTICLES AND PUBLICATIONS OF

Word Processing in the Staff Judge Advocate Office

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1. AN OVERVIEW OF WORD PROCESSING CONCEPTS. Since the implementation of the 1968 Military Justice Act, staff judge advocate offices have faced exploding administrative workloads. Staff judge advocate offices, like civilian law firms, can seldom opt to accomplish a reduction of administrative workloads by reducing the quality of legal services or conveniences. The only other available alternative seems to be improved productivity and efficiency. That is the major reason for word processing in any law office.

The office is the last holdout to the automation tide that has swept through the rest of the economy. New procedures and tools have raised productivity in almost all phases of manufacturing, but improvements in office tools and procedures have lagged considerably. Why is the office so low in productivity while productivity is extremely high in the industrial field? The primary reason is the lack of heavy capital investment in the office. In manufacturing the amount of capital invested per worker is \$25,000. In agriculture there is a capital investment of \$32,000 per worker. The capital investment per office worker is only a meager \$2,000. No wonder the office equipment industry has virtually swamped this side of the economy with such a variety of new concepts and new office equipment.

During the past 50 years the productivity per typist in a conventional office has shown no appreciable gain. Even with the introduction of the electric typewriter, the typing output has not increased; productivity is limited by how fast the hands of a typist can move. Use of uneconomical equipment is one part of the prob-

INTEREST. Decedent's Estates and Survivor's Benefits—Estate Planning.

Note, Marital Deduction Clauses Revisited, 30 U. FLA. L. REV. 137 (1977). [Ref.: Ch. 13, DA PAM 27-12.]

lem. The other part is simply paper. Thousands of documents, letters and forms must be prepared, filed, retrieved and distributed by every staff judge advocate, and the increase is astronomical. The cost of producing these documents is growing much more rapidly than the value of the services the documents represent.

Definition of Word Processing. The term "word processing" normally is used to broadly define the processing of words from ideas to final printed form. It is a combination of people, procedures and equipment that transform ideas into printed communication and help facilitate the flow of related office work. Word processing represents a large segment of the work performed by lawyers and non lawyer personnel in accomplishing the daily tasks in a Staff Judge Advocate office. Promulgation of procedures and use of appropriate equipment will assist in getting materials prepared more quickly and accurately and in providing the legal services which soldiers and their dependents deserve.

Steps In Word Processing. Word processing mainly involves dictating, typing, editing, and finalizing written communications. In a more conventional office longhand drafts could take the place of dictation, and the dictation itself could be either in the form of stenographic notes or machine dictation.

Work measurement studies of previously non-automated offices discovered that the traditional secretarial role can be viewed as consisting of two separate types of activity: the *administrative support function*, concerned with non-typing work such as client interface,

filing, telephone handling, mail, reception, appointments, research, and record keeping; and the word processing or *correspondence function*. The latter is concerned with typing, transcription, proofreading and editing. There are apparent advantages of splitting the administrative from the correspondence function. Let's look at a typical situation with the traditional secretarial or clerk typist staff and then compare that cost with the cost of dividing the duties. At a medium-sized staff judge advocate office with a balanced workload of typing, text editing and repetitive typing, typewriters are used on a regular basis throughout the day. Assume that six clerk typists/legal clerks staff an office with an attorney staff of 15. The output is assumed to be 300,000 typed lines per year, or 15 to 20 pages per clerk typist/legal clerk per day. Assuming an average income of \$10,000 per year for these six individuals and acquisition of six typewriters at an expense of \$500.00 each, the total cost during the first year would be \$63,000. Here is what it would cost to split the administrative and correspondence function: a single typist with an automatic typewriter will at least equal the output of a conventional 3-typist office. However, another clerk is needed to handle non-typing administrative duties. Using our example, the total labor expense would be \$40,000 (for two typist and two clerks). Adding automatic typing equipment brings the cost to \$52,000 (\$6,000 for rental of advanced automatic keyboard per year, totalling \$12,000 in equipment costs); thus, the first year savings with an automated system could be \$8,000 plus, of course, decreased overhead and training costs. The example assumes rental of the equipment during the first year and purchase of the equipment during the second year. After purchase of the equipment during the second year, the costs in the example would be considerably less, and the equipment would begin to pay for itself in the third or fourth year.

Word Processing Systems. A word processing system is a functionally related system consisting of automatic typing and dictation elements. Each mechanical or electrical component of the system interacts with all other com-

ponents. For instance, a single stand alone-automatic typewriter, used by itself or in conjunction with a dictation input terminal, would be considered a word processing system.

Department of the Army categorizes word processing systems into three classes, each class being limited to a certain acquisition value. If a word processing system design in a Staff Judge Advocate office calls for three machines in subunit A and four machines in subunit B, it is considered one system of a certain class—in this particular case a Class 1 system (acquisition value in excess of \$50,000) rather than two or more systems of different classes.

There are central and decentralized word processing systems. The central system would be designed to include multi-access dictation capability and keyboards centrally servicing the input from all SJA functions. Central systems may be configured to handle an unlimited number of dictators and may consist of several pieces of keyboard equipment located in one central location within the office. Decentralized word processing systems are more common in the staff judge advocate office today. Each function within the office is serviced by automatic keyboards, and the input (dictation equipment or conventional input means) is handled exclusively within that key function assigned keyboard equipment.

2. TYPES OF WORD PROCESSING EQUIPMENT. In examining how we can increase productivity in a staff judge advocate office, let's look at two types of office equipment under the category of word processing.

Keyboard Equipment. Today's word processing market is valued at between half a billion to two billion dollars, depending on the breadth of the word processing definition, with projected growth to a phenomenal three to eight billion dollars in the early 1980s. The automatic typewriter market alone is currently estimated to be near \$500 million with a current annual production rate of well over 50,000 units for a projected market size of \$5.5 billion by 1980. Generally the market place for automatic

typewriters is understood to be the same as that currently addressed by electric typewriters. About 50% of the current 5 million installed typewriters are in use more than four hours per day making them prime candidates for automation.

The various methods of producing the printed results from office typing equipment include the manual typewriter, the electric typewriter, the automatic typewriter, the automatic memory typewriter, automatic word processing typing stations and lastly computer controlled word processing/typing.

The Standard Typewriter. The good old standard typewriter or keyboard machine has certainly come a long way from the first attempted invention recorded in 1714 in Britain and the first practical machine built by the American Christopher L. Sholes in 1867. The basic definition remains unchanged: a "machine for writing characters which makes impressions on paper through an inked ribbon by steel types activated by striking keys of the corresponding letter or character arranged on a keyboard." However, the capabilities of the typewriter have been expanded greatly.

The Electric Typewriter. The advent of the electric typewriter in itself did not considerably increase the ability to produce typed documents. The further development of the non-carriage moving "golfball" typewriter did, however, increase the typing ability considerably. This, with the additional correcting ribbon feature, has reduced the manual efforts required to operate office typewriters and has permitted more productive work per day per person. However, the problem of rewriting created by major errors, text revisions, and additional text was not solved by the use of the modern electric typewriter. More sophisticated typing equipment was needed to handle this problem.

The Automatic Typewriter. By the addition of the electric keyboard to the typewriter it became possible to record typing on removable media that could then be replayed during subsequent operation of the typewriter at speeds limited by the electromechanical ability of the

machine rather than the speed of the individual secretary. The storage media to control the automatic typing covers a wide field from punched paper tape, magnetic tape on reels and on cassettes, and magnetic cards. These machines were ideal for repetitive letter writing and preparation of standard legal instruments and documents with minor variables to be manually typed by the operator. With personnel skilled in their use they also would permit some amount of text editing and revision with the unchanged retained text being automatically retyped. Storage and retrieval on the removable medium was limited to one character, one word, or one line at a time. This restriction limited to some extent the revision and editing functions for lack of full retrieval of all retained text. Example: moving a sentence or paragraph from one part of a document to another part of that document is difficult to handle without retyping unless each of the paragraphs are stored on individual pieces of the medium. The automatic typewriter, however, has increased the efficiency of the typist tremendously and reduces the time consuming requirement of proofreading lengthy documents that are retyped several times.

Automatic Memory Typewriter. Electronic storage within the equipment similar to memory in computers was added to the automatic typewriter to permit extensive revision and rewriting with a minimum of retyping. These typewriters permit the storage of several pages of text at one time within the machine, thereby permitting revision work to be done by a much more flexible method and further reducing the necessity of retyping due to addition of text and movement of text between pages. Most of these automatic memory typewriters use some kind of medium for "offline storage" as well as the memory storage.

Automatic Word Processing Typing Stations. The efficiency of the typist in doing the revision, text editing, and text storage and retrieval of all retained text has been further expanded beyond that of an automatic memory typewriter by adding a rewrite storage media to a word processing/typing station. Memory is normally expanded to handle the complete text

of any document being worked and for higher speed revision. The "hard copy" typing on paper is eliminated through revision operations on a video screen where the text is projected as it will appear on the page. This type of station consists ordinarily of three components: the keyboard component including a cathode ray tube (CRT) video screen, a microprocessor, and the printer component consisting of a 30, 45, 60 or up to 92 character per second high speed typewriter. Words, phrases, sentences and paragraphs can be deleted, added, moved to another location; all done very rapidly with the operator viewing the revised text on the screen. Depending on the degree of sophistication of the equipment, margins, pagination, centering of titles, indexing, search and replace operations, right justification, and many other composing functions can be produced automatically by codes introduced in the instrument through the keyboard. The length of time to produce revised documents again has been cut and the speed of producing the final results becomes more and more limited to the speed of the automatic printing device used with the typing station. A new typing device using a "daisy" print wheel instead of the "golf ball" has reduced the time of final typing at least seventy per cent.

Automatically Controlled Word Processing. The final step for efficient productivity of the operation of typed documents marries the word processing station to a computer that permits even more rapid retrieval, revision and printing of the required documents. Word processing programs in a computer normally include the ability to replace words in a document with a different word on a strictly automatic basis (global) or on a selective basis by the computer displaying each line that has in it the word desired to be replaced. Any operation that can be defined can be programmed to function in a computer, and permanent storage of millions of characters of text can be done simply and inexpensively.

Dictation Equipment. The primary reason for using dictation equipment is productivity—people can speak about five times faster than they can write and machine

dictation is twice as fast as face-to-face shorthand. When considering the typist time that is wasted by using longhand drafting or face-to-face dictation (longhand drafting takes seven times as much time as machine dictation), and the time that could be productively used for any number of other tasks, the necessity for machine dictation becomes apparent. It requires three or four hours for a dictator to create one full hour of dictation. This three or four to one ratio is caused by material inefficiencies in the organization of thoughts and pauses (which are normally not recorded) to phrase sentences and contemplate the context of the next remarks. The resulting hour's worth of dictation will then take a typist four to six hours to fully transcribe. If the physical presence of a typist or the longhand draft is eliminated, much of the dictator's and typist's time is saved and can be used for other tasks.

The economic consequences of using the different input methods are quite clear: it takes about 20 minutes to machine-dictate and transcribe a one page letter; 39 minutes to complete the same letter using face-to-face dictation; and 44 minutes using a longhand draft.

There are three basic configurations of dictation equipment available. Each is designed to handle certain types of volumes of dictation.

The *central system* is designed for point-to-point dictation with multi-originator facilities where all dictation is pooled in a central recorder. The dictator accesses the system by a personal microphone or handset interfaced to the recorder by direct wiring or through a PBX system (telephone network). One or more transcriptionists continually monitor the recorder and transcribe dictated correspondence. Prices for such systems range from under \$1,000 to well over \$20,000 depending upon system size, hookup and features. The dictation system employed in the 1st Cavalry Division Staff Judge Advocate office involves three recording units (or "tanks") and 15 remote input stations at a total purchase cost of slightly above \$5,000 (or first year rental of slightly below \$2,800). Three recording units or "tanks" facilitate input from 15 attorneys. The input is tran-

scribed from two word processing systems located in two separate buildings.

The *desktop unit* is the most widely used. It functions in the "classic" one-to-one dictator-to-transcriptionist environment. Each originator has a personal desktop dictation machine to record text onto media which is then physically forwarded to a transcriptionist for typing. Desktop dictation equipment ranges in purchase price from over \$200.00 to around \$1,000. The disadvantage of employing only desktop units are obvious. One, the media must be transported from the originator to the transcriptionist and back, creating a significant transportation delay. Secondly, the desktop unit does not allow multi-access as in most central dictation systems and thus sits idle when not in use by the attorney during large parts of his work day.

Portable units hand held are designed for out-of-the-office use. They vary in weight from about one-half pound to two pounds and come in sizes small enough to fit in a shirt pocket or purse to as big as a cigar box. Recordings are made on magnetic or plastic belts or on magnetic reels, disks, cassettes or mini-micro cassettes. Portable prices range from \$70.00 to \$575.00.

3. Looking into the Future. A mind dazzling array of word processing equipment is already in use. "Fifth generation" automatic word processing stations (screen display) are already utilized in two Army staff judge advocate offices. In one office a computer-based system is in use. Interconnection to photo/typesetting, optional character recognition (OCR) and other forms of very advanced processing and communications equipment are making rapid advances in many civilian law firms.

The last decade has seen such rapid development of electronic office equipment that it is difficult to predict future electronic equipment which will be used in the business office or in the law office. It is quite possible that word processing in law offices of the future may be electronically transposed from voice input to a final typed document without the necessity of

an operator doing any typing or other intermediate work. Voice recognition systems (VRS) are currently being tested in the United States and abroad and have already been used in some industrial applications. The present application of VRS is limited to small vocabularies that the computer's memory can recognize and interpret.

4. PURPOSE OF THE WP SURVEY. The amount and type of input (longhand, typing, stenographic dictation, or machine dictation) and output (length of correspondence, reports, publications and the nature of workload requirements, *i.e.* original typing, repetitive typing, and revision and degree of each application) in an office at present determine the type and category of equipment needed to manage workload more efficiently and to provide more effective legal services. Thus, DA requires completion of a word processing survey to determine input and output volumes in your office. This two-week (10 work days) survey analyzes the document length, work input, work output, and special workload during the survey period. Minimum survey period is two weeks. Both lawyer and clerical/administrative staff should participate in it. Since it is a very elementary but important step of the entire process, and a time-consuming and tedious affair requiring the full cooperation and understanding of all office personnel, the staff judge advocate himself should be engaged to brief the office on the purpose of the survey and the objective to be attained by it. The SJA or the office manager (usually the legal administrative technician) should explain to all the concept and potential applications and efficiencies of word processing. (Discussion of possible consequences in terms of SJA mission performance; physical/structural changes required; and personnel management impacts should be deferred until a decision has been made what kind of a system should be proposed).

5. THE 1976 SURVEY. The first survey conducted in the 1st Cavalry Division Staff Judge Advocate Office in 1976 was precipitated by a Fort Hood-wide initiative to survey major or-

ganizational and staff elements within HQ III Corps and Fort Hood. At the time of the survey, almost 100 pieces of second, third, and fourth generation word processing equipment were utilized at Fort Hood. The office operated with one owned desk top dictation/transcription unit, one owned memory typewriter, and one rented magnetic tape output device. Essentially, the output units serviced all SJA functions and operated in a decentralized fashion (two separate locations). In addition, action officers utilized dictation equipment made available by HQDA for court-reporting purposes.

Review and Evaluation. Review and evaluation of the Fort Hood proposals to retain, revise or upgrade its WP systems by the DAAG Word Processing Branch determined that further investigation was required prior to final action. Pointing to major specific problem areas, the evaluation suggested that: different type of equipment than proposed was indicated by workloads in many instances; some of the equipment was not warranted by workload; and, the proposals failed to show cost effectiveness.

Overall findings of the survey concerning present use and type of equipment used determined that "almost all the systems reviewed were needed in order to maintain operational efficiency." However, it was also determined that several important word processing inadequacies existed. It will be helpful to analyze these now and consider them later when we discuss selection of equipment, the rental/purchase option, and cost effectiveness. The team found that:

a. The equipment on board had been rented for years. It should have been purchased once it had proven itself worthy of retention. If purchase funds had not been available after the initial six-month to one-year utilization period, during which it fulfilled administrative requirements and vendors supported it, "extended rental plans" should have been employed which could have saved approximately 10%;

b. Over 90% of the systems were utilized in a decentralized mode. Clustering of WP systems

in groups of two or three was recommended wherever possible because this "is the most cost effective method while increasing productivity, leveling workloads, and reducing manpower requirements";

c. Production statistics to substantiate workloads were not maintained on all systems. Workload of most systems reviewed was based on unsubstantiated estimates by operators;

d. Problems with cost justification of equipment existed. For new acquisition or upgrading of equipment in a TOE staff judge advocate office, this could be the most troublesome phase in the proposal. I will therefore quote the entire passage below.

In TOE units where manpower levels are predetermined and space reductions cannot be made, it is possible through the proper use and application of current state-of-the-art text processing equipment for fewer military personnel to handle routine administrative tasks and enable others to perform mission-oriented functions. Numerous justifications for more sophisticated equipment are available in this environment. Some of these are returning borrowed administrative personnel to their authorized function reducing overtime whether civilian or military personnel, and a reduction in number of machines required due to economies gained from better equipment used in a cluster mode to help in leveling workload.

e. Environmental considerations, such as carpeting, drapes, furniture, layout, lighting, temperature, and accoustical requirements, were often not taken into account;

f. Too often, WP equipment is used as a copier device, resulting in higher copying cost;

g. Procurement personnel should be educated with respect to WP capabilities and differences in an effort to smooth the procurement process.

As will be seen, the extent of text editing serves as a basis for the selection of the proper types of equipment.¹ In my office, 61% of the

workload was in excess of three pages, and involved "heavy text-editing." The extent of editing is defined as changing three or more lines per page (or the same change on 10 or more pages of one document), and the WP equipment selected is one important aspect in determining whether it contributes to optimum cost effectiveness of the overall WP system proposed. In the instant case, text editing equipment using the floppy disk medium ("fifth generation" output equipment) should have been the proper choice. "Fourth generation" equipment of the Mag Card II variety had been proposed. In a detailed analysis of all Fort Hood requirements resulting from a HQDA WP Branch assistance visit to Fort Hood, the much more efficient equipment using a floppy disk and CRT screen was specifically recommended for use in SJA offices.

The 1976 survey also indicated that the majority of input required dictation in excess of six minutes per product. Consequently, DA recommended that the office consider equipment using a medium of a larger back up and review capacity than a disk, i.e. cassette or tapes.

The importance of the survey and determination of types and amounts of workload and choice of type of dictation equipment in any staff judge advocate office are obvious, notwithstanding slight differences from office to office in the structure and physical conditions of a TOE-type SJA office. Even if the workloads vary, the missions and functions in (at least all CONUS) divisional SJA offices at the GCM level usually are very similar, and the nature of the workloads are the same.

6. PLANNING PRIOR TO SYSTEM PROPOSAL. Policies, procedures, and requirements for word processing development and use in the Army are established in AR 340-8.² An excellent introduction to word processing management is contained in DA Pamphlet 340-2.³

Equipment Demonstration. Once you know what type of equipment is the most suitable based on your workloads, ask the installation

word processing coordinator (or the procurement division) to arrange for equipment demonstrations. Every vendor of WP equipment listed on GSA contract in your area should be contacted. When visiting the demonstrations, take along one or two potential operators of the WP equipment as well as those individuals who have attended word processing seminars. This is important because part of your overall evaluation should consider aspects from hands-on experience of operators and supervising personnel.

Equipment Analysis. The equipment analysis must be very comprehensive as you must be ready during the later proposal phase to substantiate why you have chosen the type (and number of pieces) of dictation and keyboard equipment; the advantages of one make or model of equipment over all other makes and models as based on your workloads and special needs; and the cost effectiveness of the chosen equipment. A detailed comparison should include, as a minimum, the following considerations:

- a. The equipment category based on the extent of text editing;⁴
- b. Features, purchase price and rental of keyboard; including trial period options;
- c. Features, purchase price and rental of text editor (video screen display), micro processor, and keyboard/printer, including trial options;
- d. Rent accruals towards purchase;
- e. Government discounts and quantity rebates;
- f. Features and cost of storage medium;
- g. Cost per stored page;
- h. Maintenance charges (once purchased); maintenance response time;
- i. Provision for operator training; length of training;
- j. Installation charges;
- k. Minimum order limitations;

1. Delivery times;

m. Type, cost and availability of supplies (i.e. ribbons, cassettes, tapes, discs, print wheels/balls);

n. Availability of special accessories/features (i.e. counter, forms guide: communications access, shared printer option):

o. Features and cost of dictation system components (multi-access in centralized transcription configuration; dual transcription/recording capability; type and cost of medium; features; cost and availability of supplies; installation costs for hard-wired systems; availability/cost of training action officers and transcribers)

Equipment Selection. A thorough equipment analysis will make selection of the type of equipment needed much easier. First, it should satisfy your needs and be bare of features producing sophisticated, complex operations such as found in computer-based management information systems. Secondly, it should be of a kind that allows simple operation and training and does not require the operator to be a genius. Select equipment for your "least qualified" typist and not for the "best" two or three persons performing the mission. Military personnel constraints in a TOE-type office, as well as job rotation and cross training demands should be considered. Thirdly, all vendors selected must be able to provide responsive maintenance, and the supplies required to operate the equipment must be readily available.

The quantity of equipment you require depends not only on workloads, but on the configuration of office functions and personnel, physical office layout, and the staff judge advocate's determination to change conventional word processing methods and procedures and even the office layout to the extent of achieving the most efficient and effective ways in producing written communications.

In a TOE SJA office operating out of one building, centralizing the keyboard equipment or clustering several pieces on each floor or by major non-colliding functions (i.e. legal assistance/defense/claims; criminal law/admin.

law/administrative overhead) would be good choices. Operating out of several buildings, a unit in each building might be more appropriate. Single keyboard systems and person-to-person dictation stations are generally inefficient in any situation.

Based on the survey data, the next step is to determine the extent your personnel are involved in the typing function and the kind and quantity of equipment used. Assuming that the use of automatic typewriters can be at least two to three times as productive as conventional equipment, you get a pretty good idea what will be needed in terms of new equipment. A significant consideration in this area is to what extent dictation equipment is to be integrated into your WP system.

Trial Lease Period. Based on the workload data contained in the survey conducted in our office in 1976, DA approved the rental of dictation and keyboard equipment for a period of 90 days. The equipment chosen—four remote dictation stations and one multi-access, dual capacity recorder/transcriber and one CRT video screen keyboard/printer—met DA's guidelines provided during the Fort Hood survey. We operated the equipment in a centralized mode (the remote stations were placed in legal assistance) in conjunction with two automatic typewriters on hand. The three-month rental cost for the trial period was less than \$1,600.00. During this period, we kept detailed production records and conducted the required two-week survey.

A trial lease of word processing equipment may be the most efficient way to determine your actual equipment needs, the type of equipment needed, vendor support, and machine reliability and productivity. It could also indicate that a different mix of equipment is needed, or that another system configuration is necessary. If you can demonstrate that your trial system achieves the efficiencies expected, the road is paved to get the administrative approval by HQDA and the funds programmed for your ultimate systems objectives. Using this approach, you are still required to submit a WP proposal, requesting trial lease for certain

equipment initially and acquisition of additional equipment later on. If the total proposed equipment purchase value exceeds \$50,000 (as it did in our case), it is considered a Class I system and HQDA is the approving authority.⁵

7. MODEL OF A WP SYSTEM PROPOSAL.

Once the staff judge advocate has decided upon the type and quantity of equipment and the basic configuration of the proposed system after completion of the preliminary steps suggested, his office is ready to write the proposal and prepare the necessary documentation. Whereas the preliminary work (survey, equipment demonstration, analysis, and selection) demands a great deal of planning and time, the writing of the proposal itself is the least time-consuming phase of the entire project. Regardless of the class of system proposed, a proposal including certain documentation must be submitted.⁶

The system proposal submitted by our office consisted of three components: the transmittal letter, the basic proposal, and the proposal documentation as inclosures to the basic proposal.

The transmittal letter was addressed to the Adjutant General, 1st Cavalry Division. It referenced applicable regulations, the word processing proposal submitted in 1976 with related correspondence, and recommendations made by the HQDA WP Team resulting from a visit to Fort Hood in February 1977. The letter explained that the workload data emanated from a two-week survey in April 1977. Having had the benefit of trial lease equipment for over 60 days, the letter also summarized the efficiencies gained in the areas of turn-around time in the production of legal instruments; the reduction in the processing of verbatim records of trial; the freeing of personnel resources from typing chores and utilization in primary MOS; reduction of attorney and clerical staff overtime; and the diminished reliance on outdated, uneconomical equipment. It concluded in the request to grant final approval of the trial equipment plus additional equipment to avoid having to revert to unacceptable backlog and overtime situations.

The Basic Proposal. The basic proposal format consists of twelve paragraphs and must list five inclosures for Class I and II systems; documenting workload; equipment on hand and proposed; personnel (present and projected); costs and savings (current, proposed, and analysis); and a rent-purchase analysis.

Paragraphs 1 through 5 of the basic proposal are self-explanatory.

Present System. A narrative summary of the present system in paragraph 6 requires that the current system configuration, document flow, and major problems be described (note that the narrative summary of the proposed system in paragraph 7 also requires a detailed description of the proposed configuration and document flow). Configuration of the system is simply the location of its components and their utilization. In our proposal, we separated the output from the input equipment systems on hand. In a columnar arrangement, we identified the type of system, description, location and mode of operation of the equipment, and each function it services.

<i>System</i>	<i>Description/ Location</i>	<i>Function(s) Served</i>
OUTPUT	1 (make) memory typewriter; centralized, co-located with 2 electric typewriters, below; Bldg 3205, Serial Number: —	Crim. Law; Ad Law
	etc.	etc.
	etc.	etc.
INPUT	3 (make and model) dictation/transcription units; decentralized, each located with a legal assistance officer; Bldg 3232; Serial numbers: —, — and —	Legal Asst.
	etc.	etc.
	etc.	etc.

I believe that this methodology lends itself better to a definition of the system's configuration

than a narrative description. We used the same method in paragraph 7, proposed system.

The requirement to describe the document flow in both present and proposed systems can be solved in a similar fashion. Although there are other methods available (*i.e.* depicting the physical flow of all or only the more common documents or narrative description of the flow of any or all documents), we selected a method approximating the well-known flow process (MAP/TOE). We reformatted the common flow chart by contrasting the present method to the proposed method as shown below, accounting for each procedural step in the process from origination to finish of the final document. Each document relates to the appropriate function detailed in the equipment configuration, above.

DOCUMENT FLOW PROCESS

FUNCTION: Criminal Law/Ad Law

SUBFUNCTION: Administrative Law

PROCESS: Typical Memorandums of Legal Opinion; 2 pages (Revision application)

A. PRESENT METHOD

Procedural Steps	Time	Remarks
1. Research	45 min.	Drafter
2. Draft document	60 min.	Longhand
3. Transmit document	.5 min.	To typist
4. Type draft	30 min.	Conventional typewriter
etc.	etc.	etc.
*220 min.		

B. Proposed Method

Procedural Steps	Time	Remarks
1. Research	45 min.	Drafter
2. Draft document	15 min.	Multiple access, remote dic. sta.
3. Transmit document	0 min.	Dual trans/dic. "tank" (type/model)
4. Type draft	15 min.	aut. typewriter
etc.	etc.	etc.
*125 min.		

* Assumes no backlog at any station

Four such charts were attached as inclosures, depicting a variety of the most frequently prepared legal instruments and documents: a four-page will, an eighteen-page post trial review, a two-page memorandum of legal opinion, and a typical verbatim record of trial. The will documented the flow process of a *repetition* application while the remaining documents analyzed *revision* operations.

The third major task in paragraph 6 is to describe the reasons for seeking a new system in terms of specific problems. In this section, we followed our now familiar methodology: for each SJA function to be serviced, we detailed specific problems. Both input and output shortcomings were made integral aspects of the discussion. In the areas of excessive backlog and overtime, we referred to the appropriate document flow process.

The criminal law function received a lot of attention. We categorized it into a discussion of pretrial and post trial administrative processes preceded by a general description of developments in the administration of military justice since 1969. To illustrate the management problems the Staff Judge Advocate has faced since the implementation of the Military Justice Act of 1969, we inclosed summaries of requirements which have resulted from United States Court of Military Appeals decisions and which gravely impacted on processing of the entire administration of criminal law.⁷

The methods employed in describing the "present system" were similarly used to document the *proposed* configuration and document flow. The resolution of problems was also approached by function. Where additional equipment was required, the kind, quantity, and location was identified. Once more, we referred to, and heavily relied on, our document flow processes. As it was decided to propose a multi-access, dual capacity, remote dictation/transcription system servicing 16 action officers (using two groups of central recorders co-located with keyboard equipment in two separate buildings and hard wired in a fashion to allow transcription of all dictation by either word processing center), we provided in this

paragraph data as to the number of personnel the dictation system would support and what type of work would be dictated.

Vendor Contact. The list of vendors contacted (requirement of paragraph 8 in the basic proposal) comprised those vendors who had demonstrated their equipment at Fort Hood and whose equipment was listed on GSA contract. Our list included five vendors of keyboard equipment and three vendors of dictation equipment. Two of the vendors offered both types of equipment.

Vendor Selection. Paragraph 9 of the basic proposal requires an explanation why vendors selected can best meet the requestor's need, and paragraph 11 requires discussion of the comparison process. We approached these requirements from two viewpoints: first, we discussed the disadvantages of the equipment not selected, by vendor, in terms of features, degree of sophistication, cost, reliability, and maintenance. Secondly, we discussed in detail the advantages of the equipment selected, using the same terms as in the evaluation of the former. It should be pointed out that—while it may be an important factor in the cost—benefit analysis and the overall cost effectiveness of the proposed system—cost value is not an exclusively decisive factor in the analysis.

In our proposal, we justified several special features. The major accessory we requested was a shared printer option which facilitates the printing operation of more than one keyboard. Although we did not show that the system would have been hampered without this feature, we demonstrated that the feature, in essence, saves the amount of rental of a second printer of in excess of \$100.00 per month. This accessory was purchased for less than \$300.00.

Effect on Personnel Strength. The number of personnel reductions the proposed system would net if approved results from the analysis of personnel requirements before and after installation of the new system. In our particular situation as a TOE office without civilian TDA spaces, the analysis of manpower needs resulted in the determination that two spaces (military local special duty authorizations)

(SPAs) could be returned to the parent organization.⁸ These reductions affected the proposal's costs and savings analysis to the extent that the proposal became cost effective. After installation the net gains from our system allowed us to reduce one or two additional SDA positions. (HQDA defines a cost effective system as one for which the payback period occurs in four years or less. The payback period coincides with the point in time at which the cumulative difference between the current system costs and the proposed system costs turn into a gain).

Documentation. The documentation to be included with the basic proposal is well illustrated and narrated in AR 340-8. A few areas of possible error which can cause a lot of unnecessary work.

Workload Summary. The subtotal of paragraphs A, B, and C in the workload summary must amount to an equal number of average weekly lines of typing in each category. Care must be taken that the worksheets reflect accurate totals.

Equipment Summary. HQDA procured and issued dictation equipment on hand should be listed in paragraph A, Present System. Since it is owned and relatively new, the proposed distribution should indicate that it will be retained. In the event that you wish to obtain accessories for which rental or lease is not provided but which must be purchased at acquisition, the rental columns in paragraph B should be left blank. When you list rental charges and purchase costs in the respective columns of paragraph B, consider any quantity rebates and government discounts listed in the GSA contract.

Personnel Summary. Our proposal listed all non-lawyer personnel under paragraph A, Present System. The rationale for this was that all administrative staff positions are involved in either the administrative support or the typing function.

Systems Costs and Savings Worksheet. In a TOE SJA office without civilian employees, overtime (paragraph A) of military personnel is

not a tangible cost, and should not be listed as such. *Maintenance* (paragraph A) should apply to rental equipment only. Personnel, maintenance and supply costs are recurring from the second through the fifth year (paragraph B).

8. FUNDING AND PROCUREMENT. Prior to putting our proposal in final form we prepared a decision paper asking that obligations be committed for an initial first year rental of the proposed WP equipment (in FY 1977) and that funds be programmed for purchase of the WP equipment during the second year (in FY 1978). The total equipment purchase value amounted to over \$53,000.00. The first year rental of the WP equipment exceeded \$21,000.00. The second year purchase (after reducing the total purchase value by a rental accrual of 50% from first year rental) totalled approximately \$42,000.00. Thus, an amount of \$63,000.00 was required for first year rental and second year purchase.

The system proposal was approved by HQDA shortly after our 90 day trial period expired. In the meantime, funds for rental of the equipment during the remainder of FY 1977 had been set aside. Within 45 days of these actions, the desired system was in place and operating.

9. MANAGEMENT CONTROLS. In order to gain optimal benefits from a word processing system, the word processing manager must insure that sufficient procedures and controls are established in the operation of the total system and its components. This necessity includes procedures for the recording and reporting of workload data; establishing a priority and access system; control of the work flow; timely acquisition of supplies; training of machine operators; instruction in and efficient use of dictation equipment; and other desirable management tools such as quality control and downtime. None of these measures are effective unless the word processing manager receives the full support of his Staff Judge Advocate. Preferably, the most essential controls should be planned and conceptualized during the proposal phase, and become effective as the equipment is operable. All office personnel

should be briefed on the procedures and policies established at that point. The SJA himself should be instrumental in this task, and provide his staff with the objectives and general policies to be implemented after the equipment is on board.

Procedures. In our office, several procedures were established soon after the "trial" equipment became operational. A working supervisor for each of two WPC was appointed, reporting to the Chief Legal Clerk. Each supervisor was required to record WP system production data⁹ and summarize the data each week. For this purpose, a worksheet was developed which includes mandatory production documentation as well as an analysis of functional production for each operating branch (we are now using a monthly report format tailored to HQDA's suggested format). Each operator maintains an operator's log which serves as a control device for priorities and scheduling and as a feeder for the monthly production report. It also assists in measuring job performance and in establishing goals. The priority system we established is very simple. Machine-dictation material is generally transcribed first and in the order of input, and then any other material consisting of worksheets or longhand drafts. In order to capitalize on the system's central dictation component, a word processing index was established. It contains an index of standard, repetitive applications available on permanent storage disk media. Each item on the index is identified by the numbered disk on which it is stored, the item's description, and a short reference code. A printed copy of each stored format is contained in the index folder. The various applications are grouped together by function, providing easy and quick reference to the dictator. Each dictator in the office has a personal copy of this index folder. The two master copies in our office are controlled by the WPC supervisors, and revisions or additions are coordinated between the requestor's respective branch supervisor, the WPC supervisor and the administrative officer before they are stored, published, and distributed. Since this procedure went into effect in May 1977, about seventy separate standard applications

have been developed, and new formats are added continuously.

10. CONCLUSION. The systems employed in our office have significantly assisted in more responsive SJA mission accomplishment and a more effective provision of legal services. Turn around time of documents from draft to final has been cut from days to hours. Processing of verbatim records of trial has been reduced significantly.

The Word Processing System in the 1st Cavalry Division Staff Judge Advocate Office may not be the ideal system for your office. The intent of this article is to stimulate interest in advanced word processing equipment within the Judge Advocate General Corps, and to suggest to those of you interested in obtaining WP equipment a framework of how it may be accomplished.

Notes

*Mr. Kohler acknowledges and appreciates the valuable ideas contributed during the drafting stages by MSG James H. Treat, Chief Legal Clerk, 1st Cavalry Division SJA office, and the editorial assistance of LTC Charles A. White, Jr., SJA, 1st Cavalry Division, and MAJ Ronnie R.

Larson, Chief, Word Processing Management Branch, HQDA.

¹Guide for Selection of Types of Equipment, U.S. DEPT OF ARMY, PAMPHLET NO. 340-2, MANAGEMENT INTRODUCTION TO WORD PROCESSING 6-7, figure 23 (1975) [hereinafter cited as DA PAM 340-2].

²Army Reg. No. 340-8, Office Management Army Word Processing Program (C1, 15 June 1978) [Hereinafter cited as AR 340-8].

³DA PAM 340-2.

⁴DA PAM 340-2 at 6-7.

⁵System Classification and Approval, AR 340-8, ch. 2 (20 July 1977).

⁶Proposal Documentation, AR 340-8, ch. 4 (C1, 15 June 1978).

⁷United States v. Ward, 23 C.M.A. 391, 50 C.M.R. 273, 1 M.J. 21 (1975); United States v. Goode, 23 C.M.A. 367, 50 C.M.R. 1, 1 M.J. 3 (1975); Dunlap v. Convening Authority, 23 C.M.A. 135, 48 C.M.R. 751 (1974); United States v. Burton, 21 C.M.A. 112, 44 C.M.R. 166 (1971).

⁸Special duty authorizations (SDAs) are common at SJA offices. Reductions in personnel cannot be TOE positions so the personnel savings must come from SDA positions. SDA positions can be reduced to justify a word processing system; TOE positions can not be reduced.

⁹Word Processing System Productivity Report (RCS/AG-751), AR 340-8, ch. 5 (20 July 1977).

BOAC Phase IV and Reserve Component Staff Course

Captain Robert W. Freer, Chief, Training Office, Reserve Affairs Department, TJAGSA

The Judge Advocate General's School was the site for the BOAC Phase IV (Administrative and Civil Law) and the Judge Advocate General Reserve Component General Staff Course 19-30 June 1978. The 1035th USAR School, Winooski, Vermont, under the command of Colonel Lawrence Wright, provided the instruction for the General Staff Course

and portions of the BOAC course. One hundred fourteen officers attended the BOAC course and 40 field grade officers were in attendance at the General Staff Course. The Director of Instruction for the General Staff Course was Colonel Willis A. Spaulding. The Director of Instruction for the BOAC was Lieutenant Colonel Robert F. Greene.

CLE NEWS

1. TJAGSA Course Prerequisites and Substantive Content. A complete list of TJAGSA course prerequisites and substantive content is published in *The Army Lawyer*, June 1978, at 41-52.

2. TJAGSA CLE Courses.

September 18-29: 77th Procurement Attorney's Course (5F-F10).

October 2-6: 9th Law of War Workshop

(5F-F42).

October 10-13: Judge Advocate General's Conference and CLE Seminars.

October 16-December 15: 88th Judge Advocate Officer Basic (5-27-C20).

October 16-20: 5th Defense Trial Advocacy (5F-F34).

October 23-November 3: 78th Procurement Attorneys' Course (5F-F10).

November 6-8: 2d Criminal Law New Developments (5F-F35).

November 13-16: 8th Fiscal Law (5F-F12).

November 27-December 1: 43d Senior Office Legal Orientation (5F-F1).

December 4-5: 2d Procurement Law Workshop (5F-F15).

December 7-9: JAG Reserve Conference and Workshop.

December 11-14: 6th Military Administrative Law Developments (5F-F25).

January 8-12: 9th Procurement Attorneys' Advanced (5F-F11).

January 8-12: 10th Law of War Workshop (5F-F42).

January 15-17: 5th Allowability of Contract Costs (5F-F13).

January 15-19: 6th Defense Trial Advocacy (5F-F34).

January 22-26: 44th Senior Officer Legal Orientation (5F-F1).

January 29-March 30: 89th Judge Advocate Officer Basic (5-27-C20).

January 29-February 2: 18th Federal Labor Relations (5F-F22).

February 5-8: 8th Environmental Law (5F-F27).

February 12-16: 5th Criminal Trial Advocacy (5F-F32).

February 21-March 2: Military Lawyer's Assistant (512-71D20/50).

48

March 5-16: 79th Procurement Attorneys (5F-F10).

March 5-8: 45th Senior Officer Legal Orientation (War College) (5F-F1).

March 19-23: 11th Law of War Workshop (5F-F42).

March 26-28: 3d Government Information Practices (5F-F28).

April 2-6: 46th Senior Officer Legal Orientation (5F-F1).

April 9-12: 9th Fiscal Law (5F-F12).

April 9-12: 2d Litigation (5F-F29).

April 17-19: 3d Claims (5F-F-26).

April 23-27: 9th Staff Judge Advocate Orientation (5F-F52).

April 23-May 4: 80th Procurement Attorneys' Course (5F-F10).

May 7-10: 6th Legal Assistance (5F-F23).

May 14-16: 3d Negotiations (5F-F14).

May 21-June 8: 18th Military Judge (5F-F33).

May 30-June 1: Legal Aspects of Terrorism.*

June 11-15: 47th Senior Officer Legal Orientation (5F-F1).

June 18-29: JAGSO (CM Trial).

June 21-23: Military Law Institute Seminar.

July 9-13 (Proc) and July 16-20 (Int. Law): JAOGC/CGSC (Phase VI Int. Law, Procurement).

July 9-20: 2d Military Administrative Law (5F-F20).

July 16-August 3: 19th Military Judge (5F-F33).

July 23-August 3: 81st Procurement Attorneys' Course (5F-F10).

August 6-October 5: 90th Judge Advocate Officer Basic (5-27-C20).

August 13-17: 48th Senior Officer Legal Orientation (5F-F1).

August 20-May 24, 1980: 28th Judge Advocate Officer Graduate (5-27-C22).

August 27-31: 9th Law Office Management (7A-713A).

September 17-21: 12th Law of War Workshop (5F-F42).

September 28-28: 49th Senior Officer Legal Orientation (5F-F1).

*Tentative.

3. Civilian Sponsored CLE Courses.

SEPTEMBER

12-16: FBA, Annual Convention, The Mayflower Hotel, Washington, D.C. Contact: Conference Secretary, Federal Bar Association, Suite 420, 1815 H. St. NW, Washington, DC 20006. Phone: (202) 638-0252.

16-21: World Peace Through Law Center, Madrid, Spain—9th Conference on the Law of the World.

19-21: LEI, Institute for New Government Attorneys, Washington, DC. Contact: Legal Education Institute—TOG, U.S. Civil Service Commission, 1900 E St. NW, Washington, DC 20415. Phone: (202) 254-3483.

21-22: PLI—9th Annual Estate Planning Institute, Americana Hotel, New York, NY. Contact: Practising Law Institute, 810 7th Ave., New York, NY 10019. Phone: (212) 765-5700. Cost: \$185.00. Course Handbook Only: \$20.00.

21-23: ALI-ABA—Environmental Litigation, Washington, DC. Contact: Donald M. Maclay, Director, Office of Courses of Study, ALI-ABA Committee on Continuing Professional Education, 4025 Chestnut St., Philadelphia, PA 19104. Phone: (215) 387-3000.

24-28: ABA Judicial Administration Division, Appellate Judges Conference—Appellate Judges Seminar, Boston, MA. Contact: ABA Judicial Administration Division, Appellate Judges Conference, ATTN: Howard S. Primer, 1155 E. 60th St., Chicago, IL 60637. Phone: (312) 947-3844.

26-28: LEI, Law of Federal Employment Seminar, Washington, D.C. Contact: Legal Education Institute—TOG, U.S. Civil Service Commission, 1900 E St. NW, Washington, DC 20415. Phone: (202) 254-3483.

28-30: FBA—Southern Regional Conference (seminar on Federal Trial Practice), Fairmont Hotel, New Orleans, LA.

OCTOBER

1-6: NCSJ, Criminal Evidence—Graduate, Univ. of Nevada, Reno, NV. Contact: National College of the

State Judiciary, Judicial College Bldg., Univ. of Nevada, Reno, NV 89557. Phone: (702) 784-6747. Cost: \$355.00.

5-6: Federal Publications, Legal Malpractice, Washington, DC. Contact: Miss J.K. Van Wycks, Seminar Division, Federal Publications Inc., 1725 K St. NW, Washington, DC 20006. Phone: (202) 337-7000. Cost: \$400.00.

5-6: Federal Publications, Negotiating Collective Bargaining Agreements, Atlanta, GA. Contact: Miss J.K. Van Wycks, Seminar Division, Federal Publications Inc., 1725 K St. NW, Washington, DC 20006. Phone: (202) 337-7000. Cost: \$400.00.

16-18: Federal Publications, Competing for Contracts, San Francisco, CA. Contact: Miss J.K. Van Wycks, Seminar Division, Federal Publications Inc., 1725 K St. NW, Washington, DC 20006. Phone: (202) 337-7000. Cost: \$475.00.

16-18: Federal Publications, Construction Contract Litigation, Las Vegas, NV. Contact: Miss J.K. Van Wycks, Seminar Division, Federal Publications Inc., 1725 K St. NW, Washington, DC 20006. Phone: (202) 337-7000. Cost: \$475.00.

16-18: Federal Publications, Government Contract Costs, Washington, DC. Contact: Miss J.K. Van Wycks, Seminar Division, Federal Publications Inc., 1725 K St. NW, Washington, DC 20006. Phone: (202) 337-7000. Cost: \$475.00.

16-18: Federal Publications, Government Contract Costs, Washington, DC. Contact: Miss J.K. Van Wycks, Seminar Division, Federal Publications Inc., 1725 K St. NW, Washington, DC 20006. Phone: (202) 337-7000. Cost: \$475.00.

16-18: Federal Publications, Practical Labor Law, Williamsburg, VA. Contact: Miss J.K. Van Wycks, Seminar Division, Federal Publications Inc., 1725 K St. NW, Washington, DC 20006. Phone: (202) 337-7000. Cost: \$475.00.

16-18: Federal Publications, Small Purchasing, Los Angeles, CA. Contact: Miss J.K. Van Wycks, Seminar Division, Federal Publications Inc., 1725 K St. NW, Washington, DC 20006. Phone: (202) 337-7000. Cost: \$475.00.

16-20: Univ. of Santa Clara School of Law—Federal Publications, The Skills of Contract Administration, Holiday Inn/Embarcadero, San Francisco, CA. Contact: Miss J.K. Van Wycks, Seminar Division, Federal Publications Inc., 1725 K St. NW, Washington, DC 20006. Phone: (202) 337-7000. Cost: \$575.00.

18-20: Federal Publications, Practical Construction Law, Washington, DC. Contact: Miss J.K. Van Wycks, Seminar Division, Federal Publications Inc., 1725 K St. NW, Washington, DC 20006. Phone: (202) 337-7000. Cost: \$475.00.

19-20: Federal Publications, Negotiating Collective

Bargaining Agreements, Berkeley, CA. Contact: Miss J.K. Van Wycks, Seminar Division, Federal Publications Inc., 1725 K St. NW, Washington, DC 20006. Phone: (202) 337-7000. Cost: \$400.00.

19-20: Federal Publications, Procurement for Secretaries, Los Angeles, CA. Contact: Miss J.K. Van Wycks, Seminar Division, Federal Publications Inc., 1725 K St. NW, Washington, DC 20006. Phone: (202) 337-7000. Cost: \$400.00.

19-20: PLI—9th Annual Estate Planning Institute, New Orleans Marriott Hotel, New Orleans, LA. Contact: Practising Law Institute, 810 7th Ave., New York, NY 10019. Phone: (212) 765-5700. Cost: \$185.00. Course Handbook Only: \$20.00.

22-26: ABA Judicial Administration Division, Appellate Judges' Conference, Appellate Judges' Seminar, San Francisco, CA. Contact: Howard S. Primer, ABA Judicial Administration Division, Appellate Judges' Conference, 1155 E 60th St., Chicago, IL 60637. Phone: (312) 947-3844.

22-26: Institute for Court Management, Appellate Court Administration, San Francisco, CA. Contact: Institute for Court Management, 1405 Curtis St., Suite 1800, Denver, CO 80202. Phone: (303) 534-3063.

22-27: NCSJ, Evidence—Specialty, Univ. of Nevada, Reno, NV. Contact: National College of the State Judiciary, Judicial College Bldg., Univ. of Nevada, Reno, NV 89557. Phone: (702) 784-6747. Cost: \$355.00.

22-3 Nov.: NCSJ, Special Court Jurisdiction—General,

Univ. of Nevada, Reno, NV. Contact: National College of the State Judiciary, Judicial College Bldg., Univ. of Nevada, Reno, NV 89557. Phone: (702) 784-6747. Cost: \$545.00.

24-27: Federal Publication, Fundamentals of Government Contracting, Williamsburg, VA. Contact: Miss J.K. Van Wycks, Seminar Division, Federal Publications Inc., 1725 K St. NW, Washington, DC 20006. Phone: (202) 337-7000. Cost: \$525.00.

29-3 Nov.: NCSJ, Search and Seizure—Specialty, Univ. of Nevada, Reno, NV. Contact: National College of the State Judiciary, Judicial College Bldg., Univ. of Nevada, Reno, NV 89557. Phone: (702) 784-6747. Cost: \$355.00.

30-1 Nov.: Federal Publications, Government Contract Costs, Las Vegas, NV. Contact: Miss J.K. Van Wycks, Seminar Division, Federal Publications Inc., 1725 K St. NW, Washington, DC 20006. Phone: (202) 337-7000. Cost: \$475.00.

30-1 Nov.: Federal Publications, Negotiated Procurement, Lake Tahoe, NV. Contact: Miss J.K. Van Wycks, Seminar Division, Federal Publications Inc., 1725 K St. NW, Washington, DC 20006. Phone: (202) 337-7000. Cost: \$475.00.

30-3 Nov.: George Washington Univ., Contract Administration, George Washington Univ. Library, 2130 H St. NW, Room 729, Washington, DC. Contact: Government Contracts Program, George Washington Univ., 2000 H St. NW, Washington, DC 20052. Phone: (202) 676-6815. Cost: \$475.00.

Promotion Board Reflections

Brigadier General Jack Walker, President of the 1977 LTC, AUS, APL, JAGC and CH Promotion Selection Board

This article is reprinted from the 21 April 1978 issue of Focus, a publication prepared by the Public Affairs Office, U.S. Army Military Personnel Center. Following the article are comments by Brigadier General Hugh J. Clausen, Commander, U.S. Army Legal Services Agency, who served as the senior member of the 1977 LTC, AUS, promotion panel that considered JAGC officers.

Some months ago, Colonel Billy E. Spangler authored an article in the November issue of *Commanders' Call*, a publication of the Army's Chief of Public Affairs. It dealt in considerable detail with the promotion board process and was the first time that I have seen such full

coverage of the mechanics of promotion board operations. In my judgment, that article contributed a great deal of understanding to what was heretofore regarded by many as a mysterious, "black box" process. It's with that same objective in mind, airing out the black boxes, that I share with you some observations made during a recent assignment as President of the 1977 LTC, AUS, APL, JAGC and CH Promotion Selection Board. These observations reflect the feelings of most of the board members.

First and foremost, we wish to assure you that, in our opinion, the process for promotion selection is sound and would be difficult to significantly improve upon. I observed that my

fellow members of the promotion board were carefully selected, with consideration given to maturity in judgment and career expertise. They represented as broad a spectrum of specialties as could be reflected in a 15-member board. The board included reserve component membership, a female officer, a minority officer and an aviator. These officers serve not to act as advocates, but instead to explain to the other board members any unique career aspects of the backgrounds of those being considered.

Whole Man Concept

There is no formula or predetermined rigid criteria which board members are asked to apply to the selection process. Rather, selections are made as a result of the subjective file review conducted by individual board members and the compilation of scores applied to each file as a result of that review. A Letter of Instruction (LOI) from the Secretary of the Army is provided the board and is the single document, other than the officer's official military records, that influences the board's decision. I will touch on the LOI later. For now, let me explain the approach to file evaluation. Officer promotion boards operate on a whole man concept, which means that the members weigh all the information they have about an individual and decide, on balance, what they think of him or her as compared to others in the zone. It is important to note that officers are not evaluated solely on the basis of past performances, but more importantly, on their demonstrated potential to make future contributions to the Army in positions of increased rank and responsibility. Files are distributed to the board members alphabetically rather than by branch, as was done in the past. This procedure tends to deemphasize branch, implement the OPMS concept and support the philosophy that every job is an important job. The key to both success and, I might add, career satisfaction is doing every job well and having that fact accurately recorded in your file. There is no "Order of Merit List" provided the board.

Documents Used

Information available to board members includes the Officer Record Brief (ORB), the Efficiency Section of the Official Military Personnel File (OMPF) and the Letter of Instruction (LOI). Board members have on call, for their review, the most current roster and status report of all officers enrolled in the non-resident Command and General Staff College (CGSC). A briefing on OPMS is presented to the board prior to consideration of files.

Although the file evaluation by any one board member for a given individual file may take a relatively short time, that file is also evaluated by the majority of other members. Every document can be reviewed in the process. Therefore, every item of information in your OMPF should be accurate and as up-to-date as you can possibly make it. No one can influence this accuracy to a greater degree than the individual officer that the file represents. Your file does represent you. Your visits and calls to MILPERCEN for review and, if required, correction of microfiche will greatly assist in accomplishing this essential element.

Specific observations made by the board during the selection process are presented below to provide direct insight as to those items which our board found to be important and, more importantly, which can be influenced by individual officers.

OMPF

Except for the efficiency reports, ORB, photograph, school record, awards, and records of derogatory information, other documents in the OMPF were seldom used and tended to clutter and complicate the file review. Academic reports are useful documents in the selection process, especially when considering those in the secondary zone. The photograph is the visual portrayal of you as an officer; it may be worth a thousand words. It should be current and should include a date on the data plate used in the photo.

ORB

This is usually the first item used by the board member. The ORB is an excellent document that provides the needed information in an easy to use format that should present the officer's composite career picture. It is essential that the information be current and accurate. It is understood that correcting or updating of the ORB is not easily accomplished in all cases, but it is apparent also that individual officers simply do not take sufficient action to insure data is correct and that such things as physical examination, assignments and level of military and civilian education are current. These are commonly considered factors by all board members. Be assured that decisions to promote or not promote are not made on the basis of an ORB alone. However, the ORB is one of the first and key tools that the board uses.

OER

OERs are the most important group of documents in the OMPF. The board experienced difficulty in interpreting abbreviations which frequently appear in part IIIa and b (Duty Description) of the DA Form 67-7. Many abbreviations and acronyms do not make sense and raters/instructors should not use them. Many descriptions have only the MOS code. OER reclaims remain in the file and, if disapproved, have a tendency to highlight a bad report. No document that we prepare is more important than an officer's OER. Each deserves the care we expect to be given our own. The word picture is important; do not expect the board to analyze subtle comments or pick up hints—simply tell it like it is.

The following additional observations are presented to provide further insight into the items this board considered as being important.

Military Education

Non-resident completion of CGSC level education was given equal credit to completion of resident CGSC. If the officer did not complete either program or was not at least an active participant, expectations for promotion *by this*

board should not have been too high. Many assume a Masters Degree or a Doctorate is more marketable at selection board time than a good record of completion from CGSC. In the opinion of this board, this is not necessarily a valid assumption. Civil schooling accomplishments in support of recognized OPMS specialties was given favorable consideration by the board.

Physical Fitness

Since annual physical fitness scores are not standard items recorded on OERs or ORBs, current photographs, current physical profiles and OER comments contain important indicators of physical fitness. Physical fitness is important. Again, OER comments on the subject of fitness were of importance to the board.

Appearance

The appearance of many majors in the zone for selection was below currently acceptable DA standards. This observation is supported by photographs and is due partially to apparent overweight conditions. Poor grooming, uniforms improperly fitted, failure to correctly wear authorized ribbons and accouterments, excessively long hair and, in many cases, mustaches inappropriate to current regulations or untrimmed, contributed to the overall sub-standard appearance.

Letters to the Board

Letters should be limited to one page and should state the *facts*. Point out new information, such as progress in the non-resident CGSC course pursuit or enrollment in graduate school and noteworthy qualifications in your specialties which identify you as a candidate for contributions in future service. For instance, if you have a weight problem, provide updated facts on what you are doing about it and include a new photo, if appropriate. It is not in your best interest to write a letter that points out adverse OERs unless something of real substance is offered. Don't forward a letter with poor grammar or spelling errors.

Letter of Instruction

The LOI is the single most important *policy* document in the promotion process. The board is profoundly influenced by the LOI and takes great care to apply the LOI guidance to the selection process. Read the LOIs when lists are published to be aware of current guidance given to selection boards. There is no better source.

As a result of our board experience, the members gained a full appreciation for and confidence in the equity and thoroughness of the three-panel selection system. This process provides for fair and impartial selection of the best qualified officers. However, it was also apparent that there are many more officers who have potential for outstanding performance at the next higher grade than constrained promotion authorizations will allow.

Final Message

YOU must help in keeping your file as accurate, complete and current as possible. You owe it to yourself and the Army to provide the board the most accurate portrayal of your performance and potential. Just as OPMS was proven to this board to be the foundation and heart of the officer career management system, the OMPF, your file, is the heart of the selection process and is therefore one of the most important factors in determining the future strength of the Officer Corps. The promotion system depends upon sound decisions based on sound data. The future strength of the Officer Corps depends upon the recognition of the best qualified officers our nation can provide.

Comments by Brigadier General Hugh J. Clausen

The above article by Brigadier General Walker is worthwhile reading for all officers. My comments are to explain the process used to consider JAGC officers for selection for promotion.

Judge Advocates are selected for AUS (temporary) promotion to major, lieutenant colonel, and colonel by a panel consisting of five offi-

cers. The panel is composed of three judge advocates and two officers from other branches. Those two officers are also members of the Army Promotion List (APL) Board that considers officers, other than those of the Army Medical Department, for promotion. Even though JAGC officers are on the APL, they are considered for promotion by a separate panel. Although the JAGC panel sits at the same time as the APL board, it is separate and apart.

Official Military Personnel Files of JAGC officers to be considered are referred to individual members of the panel, usually in alphabetical order, very much like the procedure used by the APL board. Each member of the JAGC panel reviews every file of each judge advocate in the primary zone, including those officers previously considered and not selected. The files of officers in the secondary zone are screened by the panel to select those who appear to be deserving of promotion according to the Letter of Instruction. The files of those officers are then voted using the same procedures used for officers in the primary zone. It is important to note that care is taken so that after a file is considered by one panel member, it is passed to another member in such a way that no member of the panel knows how any other member evaluated the file until after he or she has made an evaluation. This is done to insure that a panel member's evaluation of a file is not influenced by the evaluation of another member of the panel.

The problem Brigadier General Walker mentions with respect to abbreviations and acronyms has little impact insofar as JAGC selection panels are concerned, because the judge advocate members of the board are familiar with job titles and other sorts of shorthand descriptions sometimes used by raters and indorsers. This may not be true of the non-JAGC members of the panel. However, the non-JAGC members of the panel have been encouraged, when they read a file and have difficulty understanding a term or job description, to speak up so that the JAGC members of the panel can clarify for them. The non-JAGC members are most anxious to have the judge advocate members of the board clarify for them anything they

do not understand. This clarification is always given in the presence of all members of the board. This insures that all the members have the same understanding of any matter discussed.

The same Letter of Instruction (LOI) that is provided the APL Board is also provided to the JAGC panel. In addition, the judge advocate members of the panel provide general information to the non-JAGC members to help them better understand certain peculiarities concerning JAGC files. For example, the files of officers who have participated in the Excess Leave and Funded Legal Education Programs often have a number of unrated periods and also have reports covering short periods of active duty, usually during the summer. These conditions usually are not found in files considered by the APL board. Care is taken to explain these two programs to the non-JAGC

members of the board so that they will not misunderstand the absence of reports concerning periods of time when officers are attending law school.

Except for the few comments concerning matters peculiar to the JAGC panel, I fully endorse Brigadier General Walker's remarks. I would emphasize his comments that each JAGC officer should make sure that his or her file is current, to include a photograph, as required by Army Regulations.

I am sure everyone understands that no system is perfect. However, I am convinced that selections for promotion are made as fairly and impartially as is possible. All the members of the Board, both JAGC and non-JAGC members, took the assignment most seriously and it was obvious to me that each person recognized the heavy responsibility he or she had to select only the best qualified officers.

JAGC Personnel Section

PP&TO, OTJAG

1. Employment of Civilian Attorneys. DA MSG 201355Z Jun 78, Subject, Increased Employment of Minority and Women Attorneys, directs staff judge advocates to increase efforts to attract qualified minority group and women applicants for civilian attorney positions within the jurisdiction of The Judge Advocate General. After development of a best qualified referral list, it will be transmitted to HQDA (DAJA-PT) accompanied by a detailed description of recruitment efforts made and the results, including the number of minority group and women applicants received, if known for review by the General Counsel, DA. The referral list will thereafter be returned to the staff judge advocate for selection of an individual. That individual's file must then be returned to The Judge Advocate General for approval of the selectee. The cited message applies to *recruitment actions now underway*. It should be reviewed for details.

DA Letter, dated 23 June 1978, subject, Employment of Civilian Attorneys, provides

detailed guidance for use by staff judge advocates and civilian personnel officers concerning all civilian attorney *recruitment actions initiated after 1 July 1978*. Copies of this letter have been mailed to staff judge advocates. One of the major changes requires applicants to forward Standard Form 171 and other documents directly to the servicing civilian personnel office rather than to HQDA (DAJA-PT). Careful attention must be given to the guidance in this letter.

2. Microfiche Personnel Files. Officer microfiche official military personnel files (OMPF) began being mailed out in November 1977; scheduled completion date is 30 June 1978. Mail out is in order of sequence in which files were converted to microfiche:

Grade	Mailing Date
General Officers	Completed 1 Dec 77
Colonels	Completed 7 Dec 77
Warrant Officers	Completed 30 Dec 77
Captains (Less AMEDD)	Completed 20 Feb 78

<i>Grade</i>	<i>Mailing Date</i>
Captains AMEDD	15 Mar 78
Lieutenant Colonels	30 Apr 78
Majors	31 May 78
Lieutenants	30 Jun 78

Requests for correction of microfiche OMPF must be forwarded through supporting military personnel office (MILPO). Individual requests sent direct to the U.S. Army Military Personnel Center without screen by the MILPO are being returned for processing by the MILPO. Many requests received are to add documents not authorized for filing in the OMPF in accordance with AR 640-10. Common example of items not authorized includes letters of appreciation/commendation with indorsements where individual is not identified by name in the basic letter. Subcourse completion documents are no longer authorized for file in the OMPF. Orders for badges, tabs and unit awards are not filed in the OMPF but appear in the officer record brief (ORB). Certificates for awards are not filed in OMPF; only the order announcing the award and award citations are filed. Another common problem is receipt of illegible copies of documents. Original or second copy of documents should be furnished to ensure clarity when filmed on microfiche.

Requests for hard copy records are being received, in some instances, without remittance and certification statement. This causes requests to be returned for compliance with letter that accompanies the mailing out of microfiche OMPFs. Hard copy records will be retained and available for a period of twelve months following the date that grade has been mailed out.

3. C&GS Graduates. Congratulations to the following active duty JAGC officers who have completed the U.S. Army Command and Gen-

eral Staff Officer Nonresident/Resident Course since 1 July 1976:

LTC Robert R. Aldinger
LTC Jack P. Hug
LTC Thomas A. Knapp
MAJ William J. Lehman
LTC Robert E. Cohen
LTC Oliver Kelley
LTC Raymond K. Wicker
MAJ Richard G. Mann

4. RA Promotions.

COLONEL

Mounts, James A. 12 Jul 78

LIEUTENANT COLONEL

Hansen, Donald W. 12 Jul 78
Loftus, Martin R. 1 Jul 78
Wasinger, Edwin P. 7 Jul 78

5. AUS Promotions.

LIEUTENANT COLONEL

Kieffer, Joseph S. 9 Jun 78

MAJOR

Brooks, Clifford D. 3 Jun 78
Crow, Patrick F. 2 Jun 78
Godwin, Fitzhugh L. 5 Jun 78
Johnston, Wayne R. 9 Jun 78
Kimmitt, Robert M. 10 Jun 78
Lederer, Fredric I. 2 Jun 78
Markert, David O. 14 Jun 78
Ruppert, Raymond C. 2 Jun 78
Schempf, Bryan H. 13 Jun 78
Schneider, Loyson 2 Jun 78
Schwabe, Charles L. 7 Jun 78
Wilks, Riggs L. 2 Jun 78

CW4

Gaffney, David A. 2 Jun 78

Current Materials of Interest

Shepard's Military Justice Citations.

Shepard's Military Justice Citations begins with Volume 1, Number 2, dated June 1978.

The citations are to the Court of Military Appeals, Courts of Military Review, Code of Military Justice, Manual for Courts-Martial, Court

Rules and Orders, and regulations, pamphlets and messages. Citations are listed which appear in the Military Justice Reporter, United States Supreme Court Reports, Lawyer's Edition of the United States Supreme Court Reports, Supreme Court Reporter, Federal Reporter, Federal Supplement, Federal Rules Decisions, Opinions of the Attorney General of the United States, United States Statutes at Large, American Bar Association Journal, National Reporter System, and the American Law Reports.

Subscriptions are available for \$56 a year from Shepard's Inc., P.O. Box 1235, Colorado Springs, Colorado 80901. Phone: (303) 475-7230.

Copies will be provided for active duty Army JA libraries through the Army Law Library Service. Contact Mr. Hunter, JAGS-DDS, TJAGSA, Charlottesville, VA 22901. Include your ALLS account number in your request.

Manual.

The *Manual of the Judge Advocate General of the Navy* was promulgated as JAG Instruction 5800.7B of 1 July 1978.

Guide.

EUGENE R. FIDELL, *GUIDE TO THE RULES OF PRACTICE AND PROCEDURE OF THE UNITED STATES COURT OF MILITARY APPEALS* (1978).

Copies are available at \$4.50 from the Public Law Education Institute, 1346 Connecticut Ave. NW, Washington, DC 20036. Phone: (202) 296-7590.

Articles.

Note, *Conflict of Laws: Limitations on the*

"Domicile of Choice" of Military Servicemen, 31 OKLA. L. REV. 167 (1978).

Rhoades, *Balancing the Public's Right to Know With the Individual's Right of Privacy*, MARINE CORPS GAZETTE, June 1978, at 49.

Major Benjamin A. Sims, *New Vitality for the Convening Authority*, 10 THE ADVOCATE 117 (1978).

Captain Larry D. Anderson, *Standing: The Aftermath of Harris*, 10 THE ADVOCATE 123 (1978).

Captain Malcolm H. Squires, Jr., *Jurisdiction Over Off-Post Offenses: An Update*, 10 THE ADVOCATE 130 (1978).

Captains John M. Zosack, Jr., and Charles A. Byler, *Recruiting Negligence: Another Challenge to the Enlistment Contract*, 10 THE ADVOCATE 137 (1978).

Captain Jacob J. Holeman, *Excess Leave "In a Nutshell"*, 10 THE ADVOCATE 141 (1978).

Some Sample Instructions: Part 3, 10 THE ADVOCATE 157 (1978).

Side Bar, 10 THE ADVOCATE 163 (1978).

Case Note.

Comment, *Mead Data Central, Inc. v. United States Department of the Air Force* [566 F.2d 242 (D.C. Cir. 1977)], *Extending the FOIA's Fifth Exemption*, 19 WM. & MARY L. REV. 343 (1977).

Current Military Justice Library.

5 M.J. No. 3.

5 M.J. No. 4.

4 M.J. (bound volume).

By Order of the Secretary of the Army:

BERNARD W. ROGERS
General, United States Army
Chief of Staff

Official:

J.C. PENNINGTON
Brigadier General, United States Army
The Adjutant General
